

# *Department Manual*



***Metropolitan Police Department***  
***Nashville, Davidson County, TN***

*Published August 20, 2018*

[www.police.nashville.org](http://www.police.nashville.org)



# **Table of Contents**

## **Title 1: Department Organization and Function**

- 1.10 Police Department Authority and Jurisdiction
- 1.20 Department Values & Mission Statement
- 1.30 Oath of Office & Law Enforcement Code of Ethics
- 1.40 Department Manual Established
- 1.50 Orders, Directives, Rules or Regulations in Effect
- 1.60 Departmental Forms
- 1.70 Organizational Structure
- 1.80 Departmental Goals & Objectives
- 1.90 Organizational Structure of the Chief of Police
- 1.100 Organizational Structure of the Investigative Services Bureau
- 1.110 Organizational Structure of the Administrative Services Bureau
- 1.120 Organizational Structure of the Community Services Bureau
- 1.130 Organizational Structure of the Professional Standards Division
- 1.140 Organizational Structure of the Executive Services Bureau
- 1.150 Organizational Structure of the Support Services Bureau

## **Title 2: Employee Welfare**

- 2.10 Substance Abuse Program
- 2.20 Safety Coordinator's Duties and Work-Related Injuries, Illnesses, and Accidents
- 2.30 Early Intervention System
- 2.40 Hazardous Chemicals in Workplace and Employee "Right to Know" Program
- 2.50 Communicable Disease Protection, Exposure Reporting & Contaminated Crime Scene Procedures
- 2.60 Sick Leave Bank Rules and Regulations
- 2.70 Light Duty
- 2.80 Use of Police Advocacy Support Services (PASS)
- 2.90 Naloxone Kits

## **Title 3: Employment**

- 3.10 Employee Performance Evaluations
- 3.20 Employee Job Performance Improvement Plan
- 3.30 Bid Process
- 3.40 Transfer Selection Process
- 3.50 Employee Grievance
- 3.60 Attendance, Time Accounting and Compensation
- 3.70 Court Appearance and Subpoena Procedures

## **Title 4: Employee Conduct**

- 4.10 Discipline and Corrective Action
- 4.20 Deportment and Personal Appearance
- 4.30 Secondary Employment
- 4.40 Biased Based Policing
- 4.50 Harassment and Discrimination
- 4.60 Relief From Duty/Decommission and Administrative Assignment
- 4.70 Workplace Conduct

## **Title 5: Criminal Process**

- 5.10 Search Warrants
- 5.20 Warrantless Searches
- 5.30 Metropolitan Development Housing Authority Properties
- 5.40 Arrests
- 5.50 State Misdemeanor Arrest Citations
- 5.60 Officer Discretion and Alternatives to Arrest
- 5.70 NCIC "Hits"
- 5.80 Disorderly Houses Ordinance
- 5.90 Juvenile Curfew Ordinance
- 5.100 Legal Assistance and Support
- 5.110 Knowledge of Law
- 5.120 Computer Voice Stress Analysis (CVSA) and Polygraph Testing
- 5.130 Case Preparation
- 5.140 Seizure of Computer Equipment

## **Title 6: Evidence and Property**

- 6.10 Evidence Storage Section
- 6.20 Vehicle Impoundment

## **Title 7: Fiscal and Grants**

- 7.10 Grants and Legislation
- 7.20 Fiscal Affairs Procedures
- 7.30 Fiscal Procedures for Processing Fees & Requests for Services

## **Title 8: Equipment and Uniforms**

- 8.10 Firearms: Policy and Procedure
- 8.20 Clothing and Equipment

## **Title 9: Police Facilities and Security**

- 9.10 Building Security Assignments at Police Headquarters

## **Title 10: Department Oversight**

- 10.10 Internal Audit
- 10.20 Inspectional Process: Line & Staff Inspections and “Inspection Report” Completion

## **Title 11: Use of Force**

- 11.10 Use of Force

## **Title 12: Department Information Systems**

- 12.10 Security and Disposition of Law Enforcement Records and Files
- 12.20 Media Relations
- 12.30 Management and Utilization of Automated Systems
- 12.40 Guidelines for Police Responses Using Mobile Data Computers
- 12.50 Uniform Activity Counting
- 12.60 Teleserve Operations
- 12.70 Communications Audio Log: Reviewing, Duplicating, and Archiving
- 12.80 Calls for Service: Daily, Monthly and Annual Activity Reports
- 12.90 Daily Dissemination of Stolen Vehicle Information
- 12.100 Expungement of Arrest Records
- 12.110 MNPDP Form 146, Citizen Information Notice

## **Title 13: Vehicle Operations**

- 13.10 Vehicular Pursuit
- 13.20 MNPDP Fleet Fuel Cards
- 13.30 Police Vehicle Policy and Procedures
- 13.40 Law Enforcement Roadblocks
- 13.50 Vehicle Mounted Audio/Video Recording Equipment

## **Title 14: Emergency & Contingency Operations**

- 14.10 Incident Command System, Emergency Response Exercises, and Contingency Planning
- 14.20 Mutual Aid, Assisting and Coordinating with Other Agencies
- 14.30 Bomb Threats & Explosive Device Procedures
- 14.40 Canine Unit – Policy and Procedure
- 14.50 Active Deadly Aggression Incidents

## **Title 15: Investigations**

- 15.10 “Call-Out” Guidelines for Investigative and Support Elements
- 15.20 Crime Scene Protection and Investigation
- 15.30 Conducting Investigations and Victim/Witness Services
- 15.40 Response Procedures for Sexually Related Offenses
- 15.50 Domestic Violence
- 15.60 Missing Person Incidents
- 15.70 Task Forces
- 15.80 Receiving, Processing, and Investigating Vice, Drug, and Organized Crime Complaints
- 15.90 Handling of Informants and Cooperating Individuals
- 15.100 Victim/Witness Protection Program
- 15.110 Extradition of a Defendant to this Jurisdiction – Arresting a Fugitive from Justice from Another State
- 15.120 Authorization, Distribution, and Use of Surveillance and Undercover Equipment

## **Title 16: Juvenile Procedures**

- 16.10 Juvenile Arrest Reports and Citations
- 16.20 MNPDP Pastor's Youth/Young Adult Violence Intervention Program

## **Title 17: Professional Development**

- 17.10 Training Standards
- 17.20 Wellness and Fitness Program
- 17.30 Training and Professional Conferences
- 17.40 Career Development Program

## **Title 18: Field Operations**

- 18.10 Traffic Enforcement
- 18.20 Traffic Crash Investigation and Reporting
- 18.30 Traffic Direction and Control

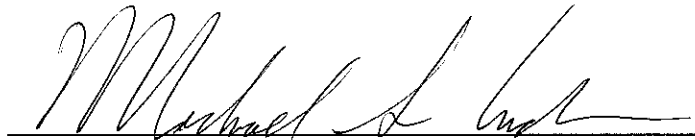
- 18.40 Agency Referrals
- 18.50 Handling and Transport of Prisoners
- 18.60 Prisoner Processing Procedures
- 18.70 Driving Under the Influence Arrest
- 18.80 Conducting Field Interviews
- 18.90 Interpreter Services – Translators & Language Line
- 18.100 Effective Communications With Individuals With Disabilities
- 18.110 Interviewing and Transporting Mentally Ill Persons
- 18.120 Criminal Gangs
- 18.130 Reporting Auto Theft Offenses
- 18.140 Natural Death Incidents and Death/Serious Injury Notification Procedures
- 18.150 Safety Hazard Notification Report
- 18.160 Assistance to Highway Users
- 18.170 Bicycle Patrol
- 18.180 Field Training Officer Program
- 18.190 Metro Alarm Ordinance
- 18.200 Radio Communications
- 18.210 Use of MNPd Form EV1000, “Evacuation Notice”

## **Authorization of Manual by Chief of Police**

Consistent with the Charter of the City of Nashville, Section 8.203, the Chief of Police hereby establishes The Manual of the Metropolitan Police Department of Nashville-Davidson County, TN and shall hereafter be referred to as "the Department Manual" or herein as the "Manual." It is, and shall be, a composite of current policies, procedures, and rules pertaining to the department, as established under previously existing Department orders, manuals, and approved practices. It describes the Department's organizational structure and lists the responsibilities and functions thereof.

All employees of the Metropolitan Nashville Police Department are responsible for reviewing and following directives and provisions herein contained. All existing manuals, orders, and other regulations which are in conflict with the contents of the Department Manual are hereby revoked, except that the portions of existing manuals, orders, and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of the Department Manual.

It is the policy of the Metropolitan Nashville Police Department that all personnel shall adhere to the provisions in this Manual.

A handwritten signature in black ink, appearing to read "Steve Anderson", is written over a horizontal line.

Steve Anderson, Chief of Police

August 20, 2018

Date

## **Title 1: Department Organization and Function**

### **1.10 Police Department Authority and Jurisdiction**

#### **1.10.010 Authority of the Department & Chief of Police**

The Chief of Police is the Chief Executive Officer of the Metropolitan Nashville Police Department. The Chief has the authority and responsibility for the management, direction, and control of the operations and administration of the department. The authority of the Police Department is prescribed in the City Charter, Section 8.201, et seq.:

"Sec. 8.201. Created.

There shall be a department of metropolitan police, which shall consist of the director thereof, and such other officers and employees of such ranks and grades as may be established by ordinance and which shall include such bureaus, divisions and units as may be provided by ordinance or by regulations of the director consistent therewith.

Sec. 8.202. Responsibility and powers of department.

The department of the metropolitan police shall be responsible within the area of the metropolitan government for the preservation of the public peace, prevention and detection of crime, apprehension of criminals, protection of personal and property rights and enforcement of laws of the State of Tennessee and ordinances of the metropolitan government. The director and other members of the metropolitan police force shall be vested with all the power and authority belonging to the office of constable by the common law and also with all the power, authority and duties which by statute may now or hereafter be provided for police and law enforcement officers of counties and cities.

3. Designation of police department, rather than sheriff as principal conservator of the peace is a valid exercise of power under T.C.A., § 6-3701 et seq. *Metropolitan Government v. Poe*, 215 Tenn. 53, 383 S.W. 2d 265 (1964).

Sec. 8.203. Chief of police as director; his powers and duties.

The department of metropolitan police shall be under the general management and control of a director thereof, who is designated the chief of police. The chief of police shall establish zones and precincts and assign members of the department to their respective posts, shifts, details and duties consistent with their rank. He shall make regulations, with the approval of the mayor and in conformity with applicable ordinances, concerning the operation of the department, the conduct of the officers and employees thereof, their uniforms, arms and other equipment for their training. The chief of police shall be responsible for the efficiency, discipline and good conduct of the department. Orders of the mayor relating to the department shall be transmitted in all cases through the chief of police or in his absence or incapacity through an officer designated as acting chief. Disobedience to the lawful commands of the chief of police or violations of the rules and regulations made by him with the approval of the metropolitan mayor shall be grounds for removal or other disciplinary action as provided in such rules and regulations, subject to the civil service provisions of article 12 of this Charter."

#### **1.10.020 Precedence for Command Authority**

- A. Should the Chief of Police become incapacitated through illness, injury, death or should the Chief be absent from the City of Nashville for any reason, an Acting Chief shall be designated according to The Charter of Metropolitan Nashville and Davidson County.



- B. The Acting Chief shall be chosen from one of the current Deputy Chiefs. If for some reason a Deputy Chief is not available, a Duty Chief shall be designated from the next highest rank.

#### **1.10.030 Unity of Command**

- A. To ensure unity of command, clearly defined lines of authority must be drawn so that there exists a structural relationship between each employee and the Chief of Police. Employees must be aware of their relative position in the organization, to whom they are immediately responsible, and those persons who are accountable to them. Employees should strive at all times to operate within the chain of command and to keep their supervisors informed as to their activities. The key principle is to resolve problems and seek answers at the lowest possible level. Absent exigent circumstances or reporting provisions of existing policy, all personnel shall follow the established chain of command.
- B. Supervisory personnel are accountable for the performance of employees under their immediate control. This is necessary to achieve effective direction, coordination, and control within the organization. This applies to all levels of supervision.
- C. Each employee is accountable to only one supervisor at any given time. When an employee is placed on temporary assignment, they then become accountable to the new supervisor.
- D. There will be circumstances when a supervisor will have to give an order to an employee outside of the chain of command. For example: **any supervisor** may give an employee an order when a violation is observed that could be a detriment to the employee of the department.
- E. Each organizational component shall be under the direct command of only one supervisor.
- F. Command protocol in situations involving personnel of different departmental subdivisions engaged in a single operation will be as follows:
  - 1. Command structure will always follow the chain of command.
  - 2. When personnel of any division or subdivision are at the scene of an on-going investigation, the officer maintaining authority and responsibility will maintain that control until relieved by a higher ranking officer.

3. When the command structure is distinguishable, but the officer having primary responsibility is of lower rank, the responsibility of command rests with the higher ranking officer.

#### **1.10.040 Span of Control**

- A. No supervisor shall supervise more employees than can be effectively directed, controlled, or coordinated.
- B. The Chief of Police shall have the final say as to how many employees a supervisor can effectively supervise. The Chief will take into account the type of duties and responsibilities in this determination.
- C. Under normal circumstances a supervisor will not supervise more than nine employees at a time, unless an emergency exists.

#### **1.10.050 Lawful Orders**

- A. Employees shall promptly and fully obey any lawful order, directive, or instruction of an authoritative source. This includes a lawful order relayed from a supervisor by an employee of the same or lesser authority.
- B. An employee shall not respond to what is deemed to be an unlawful order, directive, or instruction. Any unlawful order shall be reported to the appropriate command level and the authoritative source that issued it held accountable.
- C. If an employee receives an order that conflicts with a previous one, the employee shall follow the most recent order.

#### **1.10.060 Authority and Responsibility of Employees**

- A. Each employee of this department shall be given the authority to make the decisions necessary for the effective execution of their responsibilities.
- B. Each employee of this department having the authority to delegate work will be accountable for the proper delegation of the task and for failure to delegate when this is the proper course of action.

#### **1.10.070 Staff Meetings**

- A. Staff meetings should be conducted at each level of the department for the purpose of enhancing verbal communications.

- B. These staff meetings should be held on a regular basis. Supervisors should make known their meeting schedules, especially within their chain of command, and occasionally invite employees from other levels and functions for the coordination of joint activities and exchange of information.
- C. An agenda should be prepared prior to the meeting and input for agenda items should be solicited from all employees who will attend.

## **1.20 Department Values & Mission Statement**

The department values and mission statement will be made available to all employees and departmental components. The values and mission statement shall also be maintained on the PDWeb Site.

*The Mission of the Metropolitan Nashville Police Department is to provide community-based police products to the public so they can experience a safe and peaceful Nashville.*

*In carrying out our mission, members of the department will continue to value:*

- \*organizational excellence & professionalism*
- \*the impartial enforcement of the law*
- \*the people we serve and each other*
- \*problem-solving partnerships*
- \*open communication*
- \*ethics and integrity*

## **1.30 Oath of Office & Law Enforcement Code of Ethics**

### **1.30.010 Policy**

All personnel shall be familiar with and abide by the Law Enforcement Officer's Code of Ethics. Prior to assuming sworn status, all police officer trainees shall take and subsequently abide by an oath of office to enforce and uphold all applicable laws.

### **1.30.020 Oath of Office**

A. Every police officer shall be sworn in by the mayor or a representative of the mayor's office.

B. Swearing In Ceremony

1. The oath is as follows:

I do solemnly swear.....

that I will support the Constitution of the United States .....

the Constitution of Tennessee .....

and the Charter and Code of Laws of the Metropolitan  
Government .....

and will perform with fidelity the duties imposed on me .....

as a member of the Metropolitan Police Department to the best of  
my ability .....

that I will serve the Metropolitan Government of Nashville-Davidson  
County, Tennessee, honestly and faithfully .....

and I will obey the order of the officials placed over me, according  
to law .....

2. The mayor responds by saying:

By the authority invested in me as Mayor of Metropolitan Nashville,  
I hereby commission each of you as a police officer and member of  
the Metropolitan Police Department, and charge you to carry out  
your duties and responsibilities as stated in the Law Enforcement  
Code of Ethics and under oath of office as a police officer.



3. In the mayor's absence, the designated representative says:

By the authority invested in me by the Mayor of Metropolitan Nashville, I hereby commission each of you as a police officer and member of the Metropolitan Police Department, and charge you to carry out your duties and responsibilities as stated in the Law Enforcement Code of Ethics and under oath of office as a police officer.

- C. Before assuming official duties, the police officer trainee will sign their name and their employee number on a dated copy of the oath.
1. The original signed and dated oath will be filed in the employee's personnel folder.
  2. If requested, the employee will receive a copy of the signed oath.

### **1.30.030 Code of Ethics**

A. The Code of Ethics

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery,

nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

- B. All sworn employees will sign a copy of the Code of Ethics. The employee will sign their name and their employee number on a dated copy of the oath.
  - 1. The original signed and dated oath will be filed in the employee's personnel folder.
  - 2. If requested, the employee will receive a copy of the signed oath.
- C. Before assuming official duties, police officer trainees will sign their name, and their employee number, on a dated copy of the oath.
  - 1. The original signed and dated oath will be filed in the employee's personnel folder.
  - 2. If requested, the employee will receive a copy of the signed oath.

#### **1.30.040 Training**

Ethics training shall be conducted for all personnel, at a minimum, biennially (every two years).

## **1.40 Department Manual Established**

Consistent with the Charter of the City of Nashville, Section 8.203, the Chief of Police hereby establishes The Manual of the Metropolitan Police Department of Nashville-Davidson County, TN and shall hereafter be referred to as "the Department Manual" or herein as the "Manual." It is, and shall be, a composite of current policies, procedures, and rules pertaining to the department, as established under previously existing Department orders, manuals, and approved practices. It describes the Department's organizational structure and lists the responsibilities and functions thereof. All employees of the Metropolitan Nashville Police Department are responsible for reviewing and following directives and provisions herein contained. All existing manuals, orders, and other regulations which are in conflict with the contents of the Department Manual are hereby revoked, except that the portions of existing manuals, orders, and other regulations which have not been included herein shall remain in effect where they do not conflict with the provisions of the Department Manual.

The current edition of the Manual, with revision date, shall be posted on the departmental internal website and available to all personnel. Written approval for the Manual, bearing the signature of the Chief of Police, and issued under the authority of the Charter and Code of Laws of the Metropolitan Government shall remain on file in the Office of the Chief of Police.

### **1.40.010 Severability**

It is agreed that if any provision of this Manual or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of parts of this Manual which can be given effect without the invalid provision or application, and to that end the provisions of this Manual are declared to be severable.

### **1.40.020 Incorporation by Reference & Inadvertent Omissions**

All existing policies, procedures or guidelines rescinded by and at the issuance of this manual are hereby incorporated by reference and shall have the same force and effect as the original. If all, or a portion, of a policy or procedure is inadvertently omitted, any error or omission shall be corrected as soon as discovered.

### **1.40.030 Numbering System used in Departmental Manual**

A modified decimal system is used to number each title, chapter, article, section, subsection, paragraph, part, and sub-part of the Department

Manual in order to provide quick reference to all material, to afford an easy means of citing specific subjects, and to maintain the flexibility of format necessary to facilitate expansion and revision of its contents.

A typical reference under the decimal system used in the Department Manual would be "2.40.080(B)(1)(c)." The number "2" indicates that the material is contained in Title 2 of the Manual. The entire citation to "2.40.080(B)(1)(c)" conveys several facts:

- First, that the material is in Title 2.
- Next, that it is in Chapter 40 of Title 2.
- Next, that it is in Article 080 of Chapter 40
- Finally, that it is in Section B, sub section 1, paragraph (c).

<b>Title:</b>	designated through the use of Arabic numbers, followed by a decimal point.
<b>Chapter:</b>	designated through the use of Arabic numbers, followed by a decimal point.
<b>Article:</b>	designated through the use of Arabic numbers preceded by a decimal point.
<b>Section:</b>	designated through the use of an upper case letter.
<b>Sub-sections:</b>	designated through the use of Arabic numbers.
<b>Paragraphs:</b>	designated by lower case letters.
<b>Parts:</b>	designated through the use of Arabic numbers encased in parenthesis.
<b>Sub-parts:</b>	designated by lower case letters encased in parenthesis.

#### **1.40.040 General Structure of Manual**

- A. Italics and Boldface type are used to highlight key words and phrases requiring emphasis.
- B. Provisions herein are to be interpreted using the ordinary meaning of the language and plain meaning of the word, unless a provision explicitly defines some of its terms otherwise.
- C. Titles and subtitles appearing before the titles, chapters, articles, sections, sub-sections, paragraphs, parts, or sub-parts are placed herein for convenience and are not intended to determine or to restrict the meaning of its provisions.
- D. Words that are underlined denote terms defined by the text which follows the underlined word(s), or emphasize action to be taken or avoided.

- E. Unless otherwise specified, explicitly defined terms shall apply only within the chapter in which the definition appears. Terms defined in this chapter shall apply throughout the Manual.
- F. The words "**shall**" and "**will**" mean mandatory, while the word "**may**" is permissive. "**Should**" is used when a procedure is not mandatory, but is in the best interest of the department.
- G. Listed Items: Items not on the list are assumed not to be covered by the provision. However, sometimes a list is illustrative, not exclusionary. This is usually indicated by a word such as "includes" or "such as".
- H. If ambiguity exists in interpretation of a word or provision, analysis should favor the purpose behind the word use or purpose of the provision.

#### **1.40.050 Dissemination and Revision**

The dissemination and storage of the Manual shall be accomplished by the following:

##### **A. Initial Dissemination**

1. The current edition of the Manual shall be conspicuously posted on the internal departmental website and available to all employees.
2. All employees shall be required to sign a form acknowledging notice of the expectation that they read and fully understand the provisions therein and are responsible and accountable for the provisions therein.
3. Each component commander shall maintain a printed version of the manual. Each component's printed copy shall be placed in an appropriate binder, and stored where it is easily accessible by all component personnel and available for departmental inspection.
4. All employees of the Metropolitan Nashville Police Department are responsible for reviewing and following all new, revised, and active departmental directives, policies, procedures, forms, and roll call training bulletins. Such items will be maintained on the PDWEB site and may be accessed through the department's PDWEB site by clicking on the appropriate link. The PDWEB Site will maintain an accurate and indexed log of all compulsory instructions.



## 5. Revision

- a. The Strategic Development Division shall maintain administrative control of the Manual and shall conduct such review as may be necessary to ensure that provisions remain relevant and any necessary revisions are made.
- b. Notice of the dissemination of new or revised directives shall be sent electronically to all component commanders by departmental email, and, if appropriate, accompanied by a roll call training document.
- c. Recommendations for Revisions
  - (1) Requests, not originating from within the Chief of Police Bureau, to revise any departmental directive will be sent to the Strategic Development Division via the appropriate chain-of-command. The proposed revisions shall include the new wording and justification as to why the change should be made. The revision consideration and development process will be conducted in accordance with Strategic Development Division procedures and established policy.
  - (2) Expedited requests, originating from the Chief of Police Bureau or executive staff may be immediately considered and made.

## 6. Roll Call Training

Supervisors shall review all new directives, and other official announcements regarding policy and procedure changes, Roll Call Training Bulletins, and similar announcements at roll call for a minimum of three days. Each time the supervisor reviews the directive at roll call; they shall initial and date the roll call training document for that specific directive. If a roll call training guide is not used, a copy of the directive will be signed and initialed by the supervisor. Because understanding is critical to compliance, the supervisor is responsible for providing any additional instruction an employee might need.

When a written directive is issued, supervisors shall ensure all employees under their command are aware of the new directive, by having them sign an appropriate receipt form acknowledging they have received notice of the directive and accept responsibility to review the directive. Once all personnel have signed acknowledging the directive, the worksheet or receipt form shall be

placed in the directive log. The directive log shall be maintained at each component, remain current, and be subject to departmental inspection.

## **1.50 Orders, Directives, Rules or Regulations in Effect**

**1.50.010** All orders, written directives, memorandums, rules, procedures, or regulations that have been previously issued or approved by the signature or authority of the Chief of Police and such Chief of Police retires, resigns, or otherwise is incapacitated, shall remain in effect until and unless rescinded or canceled by the current Chief of Police.

Only the Chief of Police, or his/her designee, has the authority to issue, modify, or approve revisions to the Manual.

### **1.50.020 Contents**

1. Any directive, policy, or procedure with departmental consequence shall be included in the manual. The Manual should include, but not be limited to statements of agency policy, procedures for carrying out departmental activities, rules and regulations, and other topics as may be deemed appropriate.
2. The Manual, its contents, and any additions, removals or revisions shall be approved through a formal review process conducted by the Chief of Police and such other personnel as may be necessary.

### **1.50.030 Standard Operating Procedure (SOP) Manuals**

1. A SOP manual is a document which describes the regularly recurring operations relevant to the department unit, section, or division which issues the SOP. The purpose of a SOP is to provide guidance and information specific to the operation it describes and to assist employees in carrying out the operations correctly.
2. Departmental components making use of an SOP shall make it available to all assigned employees and a printed copy made available at the place(s) where the work is done. Employees will acknowledge receipt of the SOP, and any revisions as they occur, using the same method as used for written directives. The manual shall remain the property of the component and must be returned when personnel is transferred or is no longer assigned to that component.
3. An SOP is a compulsory instruction. Deviations from an SOP are, for purposes of corrective and/or disciplinary actions, considered deviations from the Manual.
4. Standard Operating Procedure manuals, with content limited in scope to a unit, section, division or bureau, shall exist separate from the Department Manual, be consistent with the Manual, and be reviewed

by their respective command personnel, and approved by their bureau chief prior to issuance. Final drafts of standard operating procedure manuals shall be submitted to the Strategic Development Division to ensure compliance with established policy.

## **1.60 Departmental Forms**

A. The Strategic Development Division is responsible for the development of forms, with a control process to include:

1. Ensuring that the information captured in departmental forms is essential and not duplicative, as much as possible.
2. Reviewing and evaluating forms as may be necessary.
3. Ensuring that the format is consistent with the records maintenance and data processing requirements of the department.
4. Ensuring that appropriate master file copies and electronic files of all departmental forms exist. The electronic files shall contain the form title, number identifier, publication revision date, and descriptive comments when appropriate.
5. When new or modified forms are suggested, receive input from the affected components.
6. Reviewing and authorizing for publication approved departmental forms and assigning appropriate identifier numbers.
7. Ensuring that the Chief of Police, or his/her designee, approve forms prior to use.
8. Supply Section shall be responsible for the maintenance and storage of all forms, and ensure an adequate supply of forms is available at all times. As forms are canceled or revised, Supply Section will remove the outdated copies from circulation and destroy them. Inspections personnel are responsible for making periodic checks to ensure only current forms are in use by department personnel.

B. Establishment of New Forms/Revision or Discontinuance of Existing Forms

1. New Forms:
  - a. Departmental employees proposing a new form will submit a memorandum and a sample of the proposed form with complete specifications for layout, typeface, etc., through their chain of command to the Strategic Development Division.



- b. The supervisor of the person submitting the new form must sign the proposal.
- c. The Strategic Development Division personnel will determine if a suitable form exists. If an existing form appears appropriate, a copy will be forwarded to the requesting personnel. If the existing form is considered unsuitable, the requesting supervisor shall return the form with an explanation. If a new form is required, the Strategic Development Division personnel will provide technical assistance, staff as necessary, assign proper form numbers, and place the memorandums and a copy of finalized forms into the forms file.

## 2. Revision/Discontinuance of Existing Forms

- a. The format of a numbered form shall not be altered without authorization of the Strategic Development Division. Any entity requesting the revision or discontinuance of an existing form will submit a memorandum through their chain of command to the Strategic Development Division:
  - (1) The memorandum will be signed by the supervisor of the submitting entity.
  - (2) The Strategic Development Division will staff the proposal as appropriate.
  - (3) Proposed form revisions or discontinuations shall be processed with the procedures detailed in Section B, subsection 1., above.

## 3. Form Number Identifier

- a. All forms originating within the department must have an assigned MNPd number. The identification number consists of three numerical identifiers in the upper left corner of the page.
- b. This number is assigned by the Strategic Development Division and maintained in a form log. The Strategic Development Division shall also maintain an original of all forms in a master form file.

## **1.70 Organizational Structure**

- A. The Department is organized by function into bureaus. Each bureau is divided into divisions, precincts, sections, units, and/or programs. A division or precinct may contain several units or functions. Each organizational component of the Department shall be under the direct command of only one supervisor. The MNPDP Organization Chart shall be updated as determined by the Chief of Police.
- B. The Police Department shall be composed of the Chief of Police, who shall be appointed by the Mayor, and such subordinate police officers and employees as may be necessary to preserve the peace, protect persons and property, and enforce laws and ordinances.
- C. The department's organizational structure is to be depicted graphically on an organizational chart that will be reviewed as necessary by the Strategic Development Division. The chart will be made available to all departmental components, and posted on the PDWeb Site. It should also be displayed prominently on a bulletin board or such area designated for postings visible to all component employees. The organizational chart will reflect the formal lines of authority and communication mandated in the department organizational structure orders.
- D. The current Metropolitan Nashville Police Department Organizational Chart can be accessed at the following link:

[http://pdweb/forms/form\\_001.pdf](http://pdweb/forms/form_001.pdf)

## **1.80 Departmental Goals & Objectives**

The Chief of Police, to help ensure direction and unity of purpose, shall ensure that departmental activities are guided by purposeful goal setting and objective measurement of those goals.

A. For purposes of this chapter, the following definitions apply:

1. **Goal:** A relatively broad statement of the end or result that one intends ultimately to achieve. The goal provides a method for the Metropolitan Nashville Police Department to achieve its Mission Statement.
2. **Objective:** An objective is a result that one intends to attain in order to achieve partial fulfillment of a goal. A well-stated objective tells exactly what will be done, how it will be measured, when it will be accomplished, and who is responsible or accountable for its accomplishment.

B. Goals and objectives shall be formulated and updated annually for each organizational component:

1. The Chief of Police shall be responsible for the development of the department's overall goals and objectives.
2. Component commanders shall be responsible for developing goals and objectives for their respective components.

Within the components, those responsible for the development of goals and objectives are encouraged to involve personnel within the component in the planning process. These goals and objectives should be realistic, attainable, and measurable.

- C. Each departmental component shall submit their goals and objectives, through their chain of command, to Strategic Development, who will forward them to the Chief of Police.
- D. Commanders shall distribute copies of their goals and objectives, as well as the department goals and objectives, to all affected personnel. A copy of each shall also be posted prominently within the work area of the component.
- E. The Strategic Development Division shall cause a goal setting and objective measurement program to be developed for each organizational component and require any appropriate reporting.

- F. The reporting time period, review periods, format, and reporting methods for goals and objectives shall be clearly announced and established.

## 1.90 Organizational Structure of the Chief of Police

### 1.90.010 Generally

- A. The purpose of this order is to describe the objectives, organizational structure, and duties and responsibilities of the Office of the Chief of Police and other components who fall under the responsibility of that office.
- B. It is the policy of this department that each component assigns the sworn and civilian personnel required to perform assigned administrative duties. The component commander shall establish the duties. Personnel shall be responsible to that commander or another person so designated.

### 1.90.020 Definitions

- A. **Bureau:** The major organizational component of the department, characterized by more than one specialized function that is essential to the overall police service operation, under the direction and control Deputy Chief of Police.
- B. **Division:** The primary element part of the Office of Chief of Police, self-contained and capable of independent action in providing a specific function of the office, under the direction and control of a member subordinate only to the Chief of Police.
- C. **Precinct:** A clearly defined geographic area of considerable size that is usually an element part of a division and capable of independent action in providing the same specific function as the division, under the direction and control of a member subordinate to the member commanding the division.
- D. **Section:** The primary element part of a division, performing one or more functional tasks of the division, under the direction and control of a member subordinate to the division commander.
- E. **Shift:** A predetermined or scheduled tour of duty, responsible for performing one or more functional tasks of a component during the specified time period, under the general supervision of a member subordinate only to the component commander.
- F. **Unit:** A component of an element listed above, generally responsible for performing a specific and specialized task under the direct supervision of a member subordinate only to the commander of the component of which the unit is a part.



- G. **District:** A clearly defined geographic area of variable size, usually a subdivision of a precinct and capable of independent action in providing the same specific function as the precinct on a smaller scale, under the general supervision of a member subordinate to the shift commander.
- H. **Zone:** A clearly defined geographic area of variable size, usually a subdivision of a district and capable of independent action in providing the same specific function as the district, but under the general supervision of the member in charge of the district.
- I. **Detail or Squad:** A small and subordinate part of any component that is assigned a particular task, under the supervision of a designated member.

#### **1.90.030 Office of the Chief of Police**

##### **A. Objectives**

As the principal administrative element of the Metropolitan Nashville Police Department, the primary objective of the Chief of Police shall be to plan, direct, and administer the law enforcement program and activities of the Metropolitan Government. The Office of the Chief of Police shall develop and maintain a total police service program, which will provide acceptable standards for meeting current demands in:

1. Preservation of peace;
2. Prevention and detection of crime;
3. Apprehension of criminals;
4. Protection of personal and property rights; and
5. Enforcement of the ordinances of Metropolitan Nashville and Davidson County, the State of Tennessee, and the United States of America.

##### **B. Organization**

The Office of the Chief of Police shall be further organized into divisions, sections, and other such units to include the following:

1. Chief of Police;
2. Deputy Chief of Police;
3. Public Information Office;
4. Professional Standards Division;
  - a) Legal Resources
  - b) Office of Professional Accountability
5. Fiscal Affairs Division; and

6. Field Supervisor Section.

a) Duties and Responsibilities

The duties and responsibilities of the Office of the Chief of Police shall include:

1. The establishment of bureaus, divisions, sections, or units necessary to maintain the proper operation of the department;
2. The establishment of zones, districts, and the assignment of department members to their respective posts, shifts, details, and duties consistent with their rank;
3. The making of regulations concerning the operation of the department, the conduct of the officers and employees, their uniforms, arms, and other equipment for their training;
4. Planning, organizing, and directing the maintenance of law and order, the protection of life and property, the regulation of traffic, the apprehension and arrest of law violators, and the maintenance of police records;
5. Analyzing operational and service demands and devising plans and procedures;
6. Conferring with citizens and city officials on law enforcement problems and assisting in the development of municipal law enforcement policies;
7. Instructing subordinates in proper methods and the handling of unusual problems;
8. Making decisions relative to emergency conditions not governed by established policies and regulations;
9. Inspecting police records, radio logs, and files to ensure accuracy and completeness of information;
10. Reviewing reports submitted by subordinate officers;
11. Maintaining a list of all administrative reports to include:
  - a. person(s) or position(s) responsible for completing the report(s);
  - b. purpose of the report(s);
  - c. frequency of the report(s); and
  - d. distribution of the report(s).
12. Preparing weekly reports relative to accidents, violations, and arrests;
13. Coordinating county law enforcement activities with those of other agencies;
14. Inspecting police vehicles, equipment, and arranging for their proper maintenance;
15. Attending police conferences;
16. Selecting personnel and enforcing discipline;

17. Supervising special studies in the preparation of comprehensive reports;
18. Ensuring that the department complies with established standards and procedures for recruitment, selection, and promotion of personnel;
19. Causing the development, implementation, and maintenance of detailed department manuals of procedure for each bureau, division, or section by the commanding officer or supervisor of each organizational element;
20. Creating and maintaining administrative councils, committees, boards, and other such functional panels for conducting periodic meetings to discuss, analyze, and resolve current inter-departmental problems, establish policy, and such other actions related to the efficient and effective operation of the department;
21. Developing and implementing an administrative personnel service program designed to:
  - a. provide continuous, progressive personnel training and development;
  - b. provide continuous, comprehensive evaluation of personnel;
  - c. recognize outstanding personnel performance;
  - d. improve personnel working conditions so as to achieve maximum efficiency and improve morale; and
  - e. improve the quality of performance in areas of common responsibility by adopting new techniques and methods.
22. Working diligently for the enactment and strengthening of ordinances and laws for the restraint of criminal activities;
23. Maintaining liaison with other governmental agencies, as well as private organizations concerned with law enforcement issues;
24. Maintaining a record of all complaints of misconduct;
25. Maintaining an MNPDP Form 313, Internal Incident Report, log;
26. Responding to media requests for information;
27. Maintaining an active alliance with professional police authorities and participating in programs for mutual improvement of proficiency in combating crime and traffic problems;
28. The formulating of goals and objectives pertinent to the operation of the department on an annual basis;
29. Administering the department's fiscal affairs in a manner calculated to convert available resources into optimum effective police service;
30. Obtaining a written signed copy of labor agreements in order to:
  - a. ensure that any written directives affected by the agreement are reviewed and, if necessary, amended; and

- b. ensure that information contained in the agreement is disseminated to the managers and supervisors of affected employees.

31. Performing such other duties and discharging such other responsibilities as may be assigned by the Mayor.

#### **1.90.040 Public Information Office**

##### **A. Objectives**

The primary objectives of the Public Information Office shall be:

1. The dissemination of information regarding the department to the public; and
2. Informing the community and the news media of events within the public domain that involve the department.

##### **B. Organization**

The Public Information Office shall be organized into units to include:

1. Office Supervisor; and
2. Other personnel required for efficient operation.

##### **C. Duties and Responsibilities**

1. Oversees and participates in the promotion of programs, services, and events occurring within the department by:
  - a. assisting news personnel in covering news stories and at the scenes of incidents;
  - b. being available for on-call responses to the news media;
  - c. preparing and distributing department news releases;
  - d. arranging and assisting in news conferences;
  - e. coordinating and authorizing the release of information regarding victims, witnesses, and suspects;
  - f. assisting in crisis situations within the department;
  - g. coordinating and authorizing the release of information concerning confidential departmental investigations and operations;
  - h. approving distribution of articles and other materials for presentation to the news media;
  - i. conducting interviews as needed;
  - j. writing and reviewing public service announcements, news and feature articles, and other informative pieces; and
  - k. proofreading and editing materials submitted for publication

2. Supervises employees by:
  - a. assigning duties;
  - b. ensuring employees perform work in a correct and efficient manner;
  - c. evaluating performance;
  - d. counseling and correcting; and
  - e. training.
3. Performs administrative duties by:
  - a. formulating policies and procedures involving public contact by members of the department;
  - b. maintaining records and files on news releases and public service announcements;
  - c. writing letters and memorandums; and
  - d. responding to questions from the public concerning published items, programs, or services.
4. Develops and coordinates exhibits and displays;
5. Makes personal appearances or speeches as needed;
6. Administers the department employee awards program; and
7. Reviews and coordinates public record requests; liaison with other agencies regarding requests (District Attorney, Medical Examiner, Sheriff, etc.).

#### **1.90.050 Field Supervisor Section**

##### **A. Objective**

The primary objectives of the Field Supervisor Section shall be:

1. To provide a command level presence during hours when other captains or commanders are not working;
2. To ensure that all departmental policies and procedures are followed consistently throughout the department.

##### **B. Organization**

A Field Supervisor, at a minimum, holds the rank of Captain, and is assigned to the Office of the Chief of Police.

C. Duties and Responsibilities

1. Field Supervisors generally work in uniform, primarily evaluating the quality of the department's operations.
2. The Field Supervisor Section will also provide the department's executive and command level personnel with a means of regularly assessing the department's efficiency and effectiveness.
3. The Field Supervisor Section will generally provide coverage in the field on a schedule to provide maximum coverage during hours when command presence is generally not available.
4. Field Supervisors shall notify the ECC of their work schedule, monitor radio frequencies as appropriate and have established protocols for immediate contact with the ECC during their hours of duty.
5. Field Supervisors, during their work hours, will regularly be immediately notified and respond as appropriate to the following:
  - a. The death of a person;
  - b. Injury or death of a MNPd or government employee;
  - c. Discharge of a weapon by MNPd employee;
  - d. When a person is seriously injured or dies from an incident involving the MNPd;
  - e. Other situations involving an Incident Command, or as necessary;
  - f. Vehicle crashes involving death or life threatening injuries to a person injured;
  - g. Vehicle crashes involving government vehicles where a person is injured;
  - h. Vehicular pursuits;
  - i. When another jurisdiction comes into Davidson County in a vehicular pursuit;
  - j. Any cutting, stabbing or shooting type call (10-51 or 10-52) as determined by the text in the call for service;
  - k. A potential hostage or SWAT type call as determined by the text in the call for service;
  - l. Any other type call requiring a large amount of resources from the precinct (large may be defined as one entire district on one call);
  - m. A burglary call, when the suspect presence in the structure is confirmed (either residential or commercial);
  - n. When the Hazardous Device Unit, SWAT, Negotiators, SID Gang or Terror Units, or non-MNPd law enforcement agencies are called out in response to a call;
  - o. Any other call where the text of the call indicates there is a high potential for large or multi-agency response, violence, or serious property damage.

6. Field Supervisors shall, as necessary, notify appropriate members of the Chief's Executive Staff, Precinct/Division Commanders, and other appropriate personnel about specific situations. It is the responsibility of the Executive Staff member to make notification to the Chief of Police.
7. When necessary, Field Supervisor Section personnel will authorize, direct and/or ensure the seamless delivery of MNPd services through line authority in the event of a conflict between MNPd Divisions or Precincts that cannot be resolved by the on-duty chain of command. An order from a Field Supervisor in resolving conflicts between different areas in the police department has the same authority as a member of the Chief of Police's Executive Staff. This will include conflicts between MNPd personnel and other local, state, or federal agencies.
8. Field Supervisors will summarize, via email, the daily activities of their duties noting any issues or observations that would assist the Executive Staff of the MNPd. This email will be addressed to the Chief of Police, Executive Staff, and Precinct Commanders.
9. For the purposes of this article, the Executive Staff members are: the Deputy Chiefs of Police, the Director of the Office of Professional Accountability, the Chief Financial Officer, the Commander of the Strategic Development Division, the Public Affairs Manager, the Director of Behavioral Services, and the Executive Assistant to the Chief of Police.

**1.90.060 Professional Standards Division**

**See Written Directive 1.130 Organizational Structure of The Professional Standards Division**

**1.90.070 Fiscal Affairs Division**

**See Written Directive 7.20 Fiscal Affairs Procedures**

## **1.100 Organizational Structure of the Investigative Services Bureau**

### **1.100.010 Generally**

- A. The purpose of this order is to describe the objectives, organizational structure, and the duties and responsibilities of the Investigative Services Bureau and other components that fall under the responsibility of that bureau.
- B. It is the policy of this department that each component assigns the sworn and civilian personnel required to perform assigned duties. The component commander shall establish the duties. Personnel shall be responsible to that commander or another person designated by the commander.

### **1.100.020 Definitions**

- A. **Bureau:** The major organizational component of the department, characterized by more than one specialized function that is essential to the overall police service operation, under the direction and control of a Deputy Chief of Police.
- B. **Division:** The primary component of a bureau, self contained and capable of independent action in providing a specific function of the bureau, under the direction and control of a member subordinate only to the bureau commander.
- C. **Section:** The primary component of a division, performing one or more functional tasks of the division, under the direction and control of a member subordinate only to the division commander.
- D. **Unit:** A component of an element listed above, generally responsible for performing a specific and specialized task under direct supervision of a member subordinate only to the commander of the element to which the unit is a part.

### **1.100.030 Investigative Services Bureau**

#### **A. Objectives**

The primary objectives of the Investigative Services Bureau shall be:

- 1. The investigation of criminal activity in the community;
- 2. The investigation of commercialized vice, drug related crimes, organized crime, and subversive activity in the community;
- 3. The investigation of incidents involving juveniles; and



**B. Organization**

The Investigative Services Bureau shall be organized into divisions, sections, and other units to include the following:

1. Office of the Bureau Commander;
2. Criminal Investigations Division;
3. Specialized Investigations Division;
4. Youth Services Division;
5. Domestic Violence Division; and

**C. Duties and Responsibilities**

The commander of the Investigative Services Bureau shall be directly accountable to the Chief of Police for the proper administration, general management, and control of all matters related to the operation of that bureau and shall be governed by the same duties, responsibilities, and rules and regulations applicable to any other commanding officer. They shall include the following:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as the representative of the department to any agency concerned with the activities and operation of the bureau;
3. Familiarization with departmental policies and execution of a service program within the area of responsibility of the bureau;
4. Preparing and submitting an annual budget for the bureau;
5. Exercising control over all purchases and disbursements for the bureau;
6. Seeking the most qualified personnel to fill vacant positions in all factions of the bureau;
7. Preparing and maintaining contingency plans for emergency or disaster situations;
8. The formulating of goals and objectives pertinent to the operation of the bureau on an annual basis; and
9. Performing such other duties and discharging such other responsibilities as may be assigned by the Chief of Police.

**1.100.040 Criminal Investigations Division**

**A. Objectives**

The primary objectives of the Criminal Investigations Division shall be the development and maintenance of a criminal investigations program concerned with:

1. The gathering and compiling of information pertaining to criminal activities sufficient to warrant the arrest of criminal offenders;
2. The preparation of cases involving criminal activity sufficient to cause the effective prosecution of criminal offenders; and

**B. Organization**

The Criminal Investigations Division shall be organized to include:

1. FBI Violent Crimes Task Force Unit
2. Personal Crimes Section
  - a. Homicide Cold Case Unit
  - b. Internet Crimes Against Children Unit
  - c. Adult Sex Crimes Unit
  - d. Sex Offender Registry Unit
3. Property Crimes Section
  - a. Auto Theft Unit
  - b. Fraud Unit
  - c. Pawnshop Unit

**C. Duties and Responsibilities**

The commander of the Criminal Investigations Division shall be directly accountable to the Deputy Chief of the Investigative Services Bureau for the proper administration, general management and control of all matters related to the operation of that division and shall be governed by the same duties and responsibilities, rules and regulations applicable to any other commander of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities of the division;
3. Organizing, directing, and controlling all the resources of the division, maintaining operations at a productive level, and making the command flexible to ensure optimum performance;
4. Exercising control over all purchases and disbursements for the division;
5. Seeking the most qualified personnel to fill positions in the division;
6. Analyzing data concerning crime and other incidents to aid in the utilization of resources;
7. Maintaining records of daily assignments, communications, and the identity of persons wanted or apprehended in connection with offenses;

8. Causing interviews of arrested persons and witnesses to assist in case preparation;
9. Assigning personnel to special investigative units responsible for the investigation of specific types of crimes;
10. Consulting with other command personnel in order to prepare contingency plans for dealing with emergency or disaster situations;
11. Formulating goals and objectives pertinent to the operation of the division on an annual basis; and
12. Performing other duties and discharging other responsibilities that may be assigned by the commander of the Investigative Services Bureau.

#### **1.100.050 FBI Violent Crimes Task Force Unit**

##### **A. Objective**

The objective of the FBI Violent Crimes Task Force Unit shall be the investigation for federal prosecution on those responsible for violent federal/state crimes to include bank robberies, kidnappings, extortion, crimes against children, and other offenses as are deemed appropriate.

##### **B. Duties and Responsibilities**

The personnel of the FBI Violent Crimes Task Force Unit shall be directly accountable to the commander of the Criminal Investigations Division for the proper administration, general management and control of all matters related to the operation of the unit and shall be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as the representative of the department to any agency concerned with the activities and operations of the section;
3. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the section flexible to ensure optimum performance;
4. Assisting the commander of the Criminal Investigations Division in the analysis of crime and incident data;
5. Assigning personnel in order to effectively meet the needs of the unit;
6. Remaining available to other department components in order to achieve common objectives;

7. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and
8. Providing other services as may be required for the good of the department and the community.

#### **1.100.060 Personal Crimes Section**

##### **A. Objective**

The primary objective of the Personal Crimes Section shall be the investigation of crimes committed against persons.

##### **B. Organization**

The Personal Crimes Section shall be organized to include the following:

1. Cold Case Homicide Unit
2. Internet Crimes Against Children Unit
3. Adult Sex Crimes Unit
4. Sex Offender Registry Unit

##### **C. Duties and Responsibilities**

The Personal Crimes Section commander shall be directly accountable to the commander of the Criminal Investigation Division for the proper administration, general management, and control of all matters related to the operation of that section and shall be governed by the same command duties and responsibilities and rules and regulations applicable to any other commander of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;
3. Organizing, directing, and controlling all resources of the section;
4. Seeking the most qualified personnel to fill vacant positions in the section;
5. Analyzing crimes involving personal crimes to aid in the utilization of resources;
6. Remaining alert to the need for improved methods and techniques pertaining to investigations for which the section is responsible;
7. Providing for the continued training of all investigators assigned to the section;

8. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and
9. Performing other duties and discharging other responsibilities as may be assigned by the commander of the Criminal Investigation Division.

#### **1.100.070 Cold Case Homicide Unit**

##### **A. Objective**

The objective of the Homicide Cold Case Unit shall be the investigation of the following incidents:

1. Cold case homicides that are unsolved and not currently assigned to the precinct investigative elements;
2. Officer involved shootings;
3. Reported adult missing persons; and
4. Special investigations determined by the chief of police or designee.

The Cold Case Homicide Unit may also assist in the investigation of homicides or other personal crime cases assigned to precinct detectives that involve unusual circumstances where the skills of an experienced homicide detective may be needed.

##### **B. Duties and Responsibilities**

The supervisor of the Cold Case Homicide Unit shall be directly accountable to the commander of the Criminal Investigations Division for the proper administration, general management and control of all matters related to the operation of the unit and shall be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as the representative of the department to any agency concerned with the activities and operations of the section;
3. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the section flexible to ensure optimum performance;
4. Assisting the commander of the Criminal Investigations Division in the analysis of crime and incident data;

5. Assigning personnel in order to effectively meet the needs of the unit;
6. Remaining available to other department components in order to achieve common objectives;
7. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and
8. Providing other services as may be required for the good of the department and the community.

#### **1.100.080 Internet Crimes Against Children**

##### **A. Objective**

The primary objective of the Internet Crimes Against Children Unit shall be the investigation and security of information and evidence for the eventual arrest and prosecution of persons who commit online child exploitation and distribution of child pornography.

##### **B. Duties and Responsibilities**

The supervisor of the Internet Crimes Against Children Unit shall be directly accountable to the supervisor of the Personal Crimes Section for the proper administration, general management, and control of all matters related to the operation of the section and is generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as the representative of the department to any agency concerned with the activities and operations of the unit;
3. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit flexible to ensure optimum performance;
4. Assisting the commander of the Personal Crimes Section in the analysis of crime and incident data;
5. Assigning personnel in order to most effectively meet the needs of the unit;
6. Remaining available to other department components in order to achieve common objectives;
7. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and
8. Performing other services required for the good of the department and the community.

**1.100.090 Adult Sex Crimes Unit**

**A. Objective**

The primary objective of the Adult Sex Crimes Unit shall be the investigation of the following incidents:

1. Rape;
2. Attempted Rape;
3. Sexual Battery;
4. Sexual Assault with an Object;
5. Sodomy;
6. Incest;
7. Child Pornography; and
8. Indecent Exposure.

**B. Duties and Responsibilities**

The supervisor of the Adult Sex Crimes Unit shall be directly accountable to the commander of the Criminal Investigations Division for the proper administration, general management, and control of all matters related to the operation of the unit and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as the representative of the department to any agency concerned with the activities and operations of the unit;
3. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the section flexible to ensure optimum performance;
4. Assisting the commander of the Criminal Investigations Division in the analysis of crime and incident data;
5. Assigning personnel in order to most effectively meet the needs of the unit;
6. Remaining available to other department components in order to achieve common objectives;
7. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and
8. Performing other services required for the good of the department and the community.

### **1.100.100 Sex Offender Registry Unit**

#### **A. Objective**

The primary objective of the Sex Offender Registry Unit shall be the investigation of the following:

1. Registration of Offenders;
2. Offender Compliance; and
3. Coordination of Enforcement Actions.

#### **B. Duties and Responsibilities**

The supervisor of the Sex Offender Registry Unit shall be directly accountable to the supervisor of the Personal Crimes Section for the proper administration, general management, and control of all matters related to the operation of the unit and is generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as the representative of the department to any agency concerned with the activities and operations of the unit;
3. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the section flexible to ensure optimum performance;
4. Assisting the commander of the Personal Crimes Section in the analysis of crime and incident data;
5. Assigning personnel in order to most effectively meet the needs of the unit;
6. Remaining available to other department components in order to achieve common objectives;
7. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and
8. Performing other services required for the good of the department and the community.

### **1.100.110 Property Crimes Section**

#### **A. Objective**

The primary objective of the Property Crimes Section shall be the investigation of crimes committed against property which include:



1. Motor vehicle theft or any attempted motor vehicle theft;
2. Fraud or any attempted fraud offenses;
3. Pawn shop crimes;
4. All other related offenses.

**B. Organization**

The Property Crimes Section shall be organized to include the following:

1. Auto Theft Unit;
2. Fraud Unit;
3. Pawnshop Unit;

**C. Duties and Responsibilities**

The Property Crimes Section commander shall be directly accountable to the supervisor of the Criminal Investigation Division for the proper administration, general management, and control of all matters related to the operation of that section and shall be governed by the same command duties and responsibilities and rules and regulations applicable to any other commander of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;
3. Organizing, directing, and controlling all resources of the section;
4. Seeking the most qualified personnel to fill vacant positions in the section;
5. Analyzing crimes involving property crimes to aid in the utilization of resources;
6. Remaining alert to the need for improved methods and techniques pertaining to investigations for which the section is responsible;
7. Providing for the continued training of all investigators assigned to the section;
8. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and
9. Performing other duties and discharging other responsibilities as may be assigned by the commander of the Criminal Investigation Division.

#### **1.100.120 Auto Theft Unit**

##### **A. Objectives**

The primary objective of the Auto Theft Unit shall be to investigate the following incidents:

1. Motor vehicle theft; and
2. Theft from Motor Vehicle (only the parts and accessories).

##### **B. Duties and Responsibilities**

The supervisor of the Auto Theft Unit shall be directly accountable to the supervisor of the Property Crimes Section for the proper administration, general management, and control of all matters related to the operation of that unit and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as the representative of the department to any agency concerned with the activities and operations of the unit;
3. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit flexible to ensure optimum performance;
4. Assisting the commander of the Property Crimes Section in the analysis of crime and incident data;
5. Assigning personnel in order to most effectively meet the needs of the unit;
6. Remaining available to other department components in order to achieve common objectives;
7. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and
8. Performing other services required for the good of the department and the community.

#### **1.100.130 Fraud Unit**

##### **A. Objective**

The primary objective of the Fraud Unit shall be the investigation of incidents involving:

1. Fraud;
2. Criminal Simulation of Documents / Forgery;

3. Embezzlement / Employee Theft;
4. Theft (checks and/or credit cards); and
5. Identity Theft.

**B. Duties and Responsibilities**

The supervisor of the Fraud Unit shall be directly accountable to the supervisor of the Property Crimes Section for the proper administration, general management, and control of all matters related to the operation of that unit and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as the representative of the department to any agency concerned with the activities and operations of the unit;
3. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit flexible to ensure optimum performance;
4. Assisting the commander of the Property Crimes Section in the analysis of crime and incident data;
5. Assigning personnel in order to most effectively meet the needs of the department;
6. Remaining available to other department components in order to achieve common objectives;
7. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and
8. Performing other services required for the good of the department and the community.

**1.100.140 Pawn Shop Unit**

**A. Objective**

The Pawnshop Unit is responsible as a central repository for information related to Pawn Shops and their enforcement.

**B. Duties and Responsibilities**

The supervisor of the Pawnshop Unit shall be directly accountable to the supervisor of the Property Crimes Section for the proper administration, general management, and control of all matters related to the operation of that unit and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as the representative of the department to any agency concerned with the activities and operations of the unit;
3. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit flexible to ensure optimum performance;
4. Assisting the commander of the Property Crimes Section in the analysis of crime and incident data;
5. Assigning personnel in order to most effectively meet the needs of the department;
6. Remaining available to other department components in order to achieve common objectives;
7. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and
8. Performing other services required for the good of the department and the community.

#### **1.100.150 Specialized Investigations Division**

##### **A. Objective**

The primary objectives of the Specialized Investigations Division shall include the following:

1. The suppression and prevention of all commercialized vice offenses and activities;
2. The gathering and compiling of information on all phases of criminal activity;
3. The gathering and compiling of information on all groups or persons who may be a security or criminal threat to the government or its citizens; and
4. The specialized assistance to other elements of the department and other law enforcement agencies.

##### **B. Organization**

The Specialized Investigations Division shall be organized to include the following:

1. Division Commander;
2. Vice/Gang Enforcement Section;
  - a. General Vice Unit

- b. Gang Unit
  - c. Project Safe Neighborhood Unit
  - 3. Narcotics Section;
    - a. Narcotics Unit
    - b. Drug Interdiction Unit
    - c. DEA Task Force
    - d. Major Crimes Task Force
  - 4. Seizure & Equipment Section;
    - a. Seizure Unit
    - b. Tech and Equipment Unit
  - 5. Security and Threat Section; and
    - a. Dignitary/Executive Security Unit
      - 1. Crime Stoppers
    - b. Counterterrorism Unit
      - 1. Intelligence Unit
      - 2. Analytical Unit
      - 3. Joint Terrorism Task Force
  - 6. Other personnel required for efficient operation.
- C. Duties and Responsibilities

The commander of the Specialized Investigations Division shall be directly accountable to the Deputy Chief of the Investigative Services Bureau for the proper administration, general management, and control of all matters related to the operation of that division and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other commander in the department. Assigned duties shall include:

- 1. Maintaining liaison with all other elements of the department and allied agencies;
- 2. Serving as a representative of the department to any agency concerned with the activities and operations of the division;
- 3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the division;
- 4. Organizing, directing, and controlling all resources of the division, maintaining operations at a productive level, and making the division sufficiently flexible to ensure optimum performance;
- 5. Remaining alert to the need for improved methods and techniques unique to the operations of the division;

6. The preparation of an annual budget encompassing the total operation of the division;
7. Exercising control over all purchases and disbursements for the division;
8. Seeking the most qualified personnel to fill vacant positions in the division;
9. Instructing and directing subordinates in methods for the discovery, prevention, and suppression of vice offenses;
10. Causing the investigation of conditions adversely affecting the health and welfare of the community;
11. Causing the enforcement of all laws, ordinances, and regulations of the Metropolitan government;
12. Ensuring that proper precautions are taken for the confidentiality of plans for securing search warrants and conducting raids;
13. Ensuring that proper procedures are in place to ensure the security of evidence;
14. Maintaining liaison with prosecuting and court officials;
15. Analyzing crimes involving vice and intelligence offenses to aid in the utilization of resources;
16. Assisting other components in the investigation of vice and intelligence activities;
17. Providing security for the mayor's office;
18. Providing security for all visiting dignitaries;
19. Submitting a written status report to the Chief of Police on a quarterly basis;
20. Formulating goals and objectives pertinent to the operation of the division on an annual basis; and
21. Performing other services required for the good of the department and the community.

**1.100.160 Vice/Gang Enforcement Section**

**A. Objectives**

The primary objectives of the Vice Enforcement Section shall be:

1. The suppression and prevention of prostitution and other sexual acts for compensation;
2. The suppression and prevention of illegal activities in the areas of gambling;
3. The development and maintenance of special record files containing information on all known prostitutes, gamblers, and persons suspected of being involved in such illegal activity; and
4. Providing special assistance to other department components in the apprehension and investigation of persons involved in areas of interest to the section.

The primary objectives of the Gang Enforcement Section shall be:

1. Combat gang related crime through active suppression, investigation, and intelligence gathering.
2. Assist in investigating crimes that are reported as gang related (such as assault, vandalism, narcotic related, etc.).

**B. Organization**

The Vice/Gang Enforcement Section shall be organized to include the following:

1. Section supervisor; and
2. Other personnel required for efficient operation.

**C. Duties and Responsibilities**

The commander of the Vice/Gang Enforcement Section shall be directly accountable to the supervisor of the Specialized Investigations Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;
4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;
5. Causing the inspection of public places within the area of responsibility of the section to ensure compliance with all laws and ordinances pertinent to their operation;
6. Causing the investigation of conditions adversely affecting the health and welfare of the community;
7. Causing the enforcement of all laws, ordinances, and regulations especially in the areas of concern to the section;
8. Analyzing crimes involving areas of particular interest to the section to aid in the utilization of resources;

9. Establishing and maintaining confidential and secure record files of all known and suspected persons involved in gangs, prostitution, and gambling;
10. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and
11. Providing other services required for the good of the department and the community.

#### **1.100.170 Narcotics Section**

##### **A. Objectives**

The primary objectives of the Narcotics Section shall be:

1. The suppression and prevention of illegal drug traffic;
2. The development and maintenance of special record files containing information on all phases of drug activity; and
3. Providing special assistance to other department components in the apprehension and investigation of drug offenders.

The primary objectives of the Drug Interdiction Unit shall be:

1. The suppression and prevention of illegal drug trafficking and the interdiction of drugs, monies, firearms and any other contraband used for criminal purposes;
2. The development and maintenance of special record files containing information on all phases of drug activity; and
3. Providing special assistance to other department components in the apprehension and investigation of drug offenders.

The primary objectives of the Major Crimes Task Force shall be:

1. The suppression and prevention of illegal drug trafficking, especially large scale trafficking;
2. The development and maintenance of special record files containing information on all phases of drug activity; and
3. Providing special assistance to other department components in the apprehension and investigation of drug offenders.

The primary objectives of the DEA Task Force shall be:

1. The suppression and prevention of illegal drug trafficking in conjunction with our DEA partners;
2. The development and maintenance of special record files containing information on all phases of drug activity; and



3. Providing special assistance to other department components in the apprehension and investigation of drug offenders.

**B. Organization**

The Narcotics Section shall be organized to include the following:

1. Section supervisor; and
2. Other personnel required for efficient operation.

**C. Duties and Responsibilities**

The supervisor of the Narcotics Section shall be directly accountable to the commander of the Specialized Investigations Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;
4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the command sufficiently flexible to ensure optimum performance;
5. Causing the inspection of all public places to ensure compliance with all laws and ordinances pertinent to their operation;
6. Causing the investigation of conditions adversely affecting the health and welfare of the community;
7. Causing the enforcement of all laws, ordinances, and regulations especially in the area of drug abuse;
8. Analyzing crimes involving drug offenses to aid in the utilization of resources;
9. Establishing and maintaining confidential and secure record files of all known and suspected persons involved in drug related activities;
10. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and
11. Providing other services required for the good of the department and the community.

## **1.100.180 Seizure & Equipment Section**

### **A. Objectives**

The primary objectives of the Seizure Unit shall be:

1. Controlling and maintaining all equipment and vehicles assigned to the Specialized Investigations Division and other designated drug enforcement components of the department;
2. Directing all aspects of the seizing of property in conjunction with the Drug Control Act; and
3. Providing special assistance to other department components.

The primary objectives of the Equipment Section shall be:

1. Controlling maintaining, and assisting in the operation of all technical equipment assigned to the Specialized Investigations Division and other designated drug enforcement components of the department;
2. Controlling and maintaining all narcotic test kits used by different components of the department; and
3. Providing special assistance to other department components.

### **B. Organization**

The Seizure & Support Section shall be organized to include the following:

1. Section supervisor; and
2. Other personnel required for efficient operation.

### **C. Duties and Responsibilities**

The supervisor of the Seizure & Support Section shall be directly accountable to the commander of the Specialized Investigations Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;
4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;
5. Conducting research and development in the fields of covert audio and video intercepts;
6. Processing all necessary paperwork for property seizures in conjunction with the Drug Control Act;
7. Maintaining documentation regarding the status and location of seized vehicles;
8. Arranging for surplus property sales;
9. Maintaining a close working relationship with legal counsel in the settlement and disposition of drug seizure cases;
10. The receiving and disbursement of funds obtained through the Drug Control Act;
11. Maintaining all equipment and vehicles assigned to the Specialized Investigations Division;
12. Overseeing major covert audio and video intercepts and surveillances and maintaining an inventory of all audio and video tapes for evidentiary purposes;
13. Overseeing enforcement and maintaining files and records related to the Disorderly House Ordinance
14. Providing support to other components in the areas of audio and video assistance, including audiotape enhancement;
15. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and
16. Providing other services required for the good of the department and the community.

#### **1.100.190 Security and Threat Section**

##### **A. Objectives**

The primary objectives of the Dignitary/Executive Security Unit shall be:

1. To provide security for executive leadership and dignitaries;
2. To assist other security details with dignitary protection duties if requested by another law enforcement agency and approved by the commander of the Specialized Investigations Division; and
3. Any other security assignment assigned or approved by the commander of the Specialized Investigations Division.

##### **B. The primary objectives of Crime Stoppers shall be:**

1. To provide for the free flow of information from the public to the department concerning criminal activity by providing cash rewards to citizens;
2. To provide for the furnishing of information to law enforcement agencies regarding criminal activity and wanted persons; and
3. The fostering of better police-community relations through increased public awareness.

C. The primary objectives of the Counterterrorism Unit shall be:

1. The gathering and compiling of information on all phases of organized crime / terrorism which affect the community;
2. Cooperating with law enforcement agencies in other jurisdictions in submitting current information on the activities of suspected and known criminal elements;
3. The processing of all correspondence from other jurisdictions requesting information on individuals connected with organized crime / terrorism; and continuously informing the department's various line elements of illegal activities operating within their particular area of responsibility.

D. The primary objectives of the Analytical Unit shall be:

1. The gathering and compiling of information on all phases of suspected criminal activity (past, present, and future) which affect the community;
2. Cooperating with law enforcement agencies in other jurisdictions in submitting current information on the activities of suspected and known criminal elements;
3. The processing of all correspondence from other jurisdictions requesting information on individuals connected with organized crime;
4. Ensuring the divisions compliance with 28 C.F.R. Part 23; and
5. Continuously informing the department's various line elements of illegal activities operating within their particular area of responsibility.

E. Selected Procedures

1. All complaints will be directed to an investigator who will record and document the complaint on the prescribed form. The confidentiality of all complaints will be strictly maintained;
2. Once enough intelligence data has been reviewed which tends to show a pattern of criminal activity, the intelligence process is focused on a potential offender for the purpose of developing

additional information and evidence of criminal activity that would tend to support a reasonable suspicion of crime;

3. Should evidence be developed at this point which tends to disprove the belief of criminal activity, the investigation will cease and all references to the subject will be removed from the section's files;
4. If additional investigation indicates an organized pattern of criminal activity, along with the identification of key members of the organization, the case shall be turned over to operational investigators for the accumulation of additional evidence to develop "probable cause" leading to the arrest, indictment, and prosecution of the perpetrators;
5. Members of the Specialized Investigations Division will not collect intelligence data on any individual merely on the basis of that person's religious and/or political affiliations, race, sex, nationality, sexual orientation, ethnic background, or the basis of that person's support of unpopular causes;
6. No member of the Specialized Investigations Division will provide confidential information to any person without the expressed permission of the Commander of the Specialized Investigations Division; and
7. Performing other services required for the good of the department and the community.

F. The primary objectives of the PSN Gun Unit shall be:

1. To track and develop gun related cases which have the potential to be prosecuted at the federal level; and
2. Work cases which will be presented to federal prosecutors.

The Security Threat Section will also have the responsibility to assist other officers in the investigation of suspected hate crimes and any other sensitive investigations as assigned or approved by the commander of the Specialized Investigations Division.

B. Organization

The Security Threat Section shall be organized to include the following:

1. Section supervisor; and
2. Other personnel required for efficient operation.

C. Duties and Responsibilities

1. The SID Commander will assign a SID supervisor to act as commander of each security detail. It will be the responsibility of that supervisor to meet with other agencies involved to plan travel

- routes, alternate routes, and contingency plans. The contingency plans will include medical facility locations nearest the travel route;
2. SID personnel will carry standard identification (badge, etc.) when providing security for visiting dignitaries. All members of the security detail shall be made known to any other agency or unit working the assignment prior to the operation;
  3. When the U.S. Secret Service has the primary responsibility for providing security, the coordinating of the operation shall be their responsibility with assistance being provided, on an as needed basis, by members of the Specialized Investigations Division;
  4. Assist and follow-up on all suspected hate crimes;
  5. To work closely with the District Attorney's Office on all gun related cases;
  6. To review gun related cases and develop them for possible federal prosecution;
  7. To follow-up with witnesses on gun related cases;
  8. Maintaining liaison with all other elements of the department and allied agencies;
  9. Serving as a representative of the department to any agency concerned with the activities and operations of the Crime Stoppers Section;
  10. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the Crime Stoppers Section;
  11. Organizing, directing, and controlling all resources of the Crime Stoppers Section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;
  12. Seeking the most qualified personnel to fill vacant positions in the section;
  13. Remaining alert to the need for improved methods and techniques unique to the operations of the Crime Stoppers Section;
  14. Following up of anonymous tips received on the Crime Stoppers telephone;
  15. Facilitating the payment of funds to informants;
  16. Formulating goals and objectives pertinent to the operation of the Crime Stoppers Section on an annual basis; and
  17. Providing other services required for the good of the department and the community.

#### **1.100.200 Youth Services Division**

##### **A. Objective**

The primary objective of the Youth Services Division shall be the enforcement of laws regarding juveniles and the administration of

programs geared toward preventing and controlling juvenile delinquency by:

1. The gathering and compiling of information pertaining to criminal activities sufficient to warrant the arrest of criminal offenders;
2. The preparation of cases involving criminal activity sufficient to cause the effective prosecution of criminal offenders;
3. Developing and perpetuating programs designed to prevent and control juvenile delinquency; and
4. Ensuring that all components and personnel are aware that the success of these programs depends on their participation and support.

**B. Organization**

The Youth Services Division shall be organized to include the following:

1. Division Commander;
2. Juvenile Investigative Section;
3. Physical Abuse Unit;
4. Sexual Abuse Unit;
5. Runaway/Missing Person Unit;
6. Juvenile Resources Section;
7. School Investigations Unit
8. Counseling/Case Management Unit;
9. Recidivism Reduction Unit; and
10. Other personnel required for efficient operation.

**C. Duties and Responsibilities**

The commander of the Youth Services Division shall be directly accountable to the Deputy Chief of the Investigative Services Bureau for the proper administration, general management, and control of all matters related to the operation of that division and is generally governed by the same duties and responsibilities, rules and regulations applicable to any other commanding officer of the department.

Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the division;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the division;

4. Organizing, directing, and controlling all resources of the division, maintaining operations at a productive level, and making the division sufficiently flexible to ensure optimum performance;
5. Remaining alert to the need for improved methods and techniques unique to the operations of the division;
6. The preparation of an annual budget encompassing the total operation of the division;
7. Exercising control over all purchases and disbursements for the division;
8. Seeking the most qualified personnel to fill vacant positions in the division;
9. Designing and implementing programs intended to prevent and control delinquent and criminal behavior by juveniles;
10. Implementing procedures for the follow-up processing of juvenile arrests;
11. Implementing procedures for the preparation of court cases in which a juvenile is involved;
12. Implementing procedures for the diverting of juveniles out of the juvenile justice system and adjusting cases;
13. Ensuring that all components are familiar with the special rules that must be followed when dealing with juveniles;
14. Conducting an annual evaluation of all enforcement and prevention programs relating to juveniles;
15. Causing the inspection and adherence to applicable laws of all public places within the area of responsibility of the division;
16. Causing the investigation of conditions adversely affecting the health, welfare, and safety of juveniles;
17. Causing the enforcement of all laws, ordinances, and regulations pertaining to juveniles;
18. Causing the processing of juvenile complaints and referrals;
19. Causing the investigation of offenses and incidents occurring on school property;
20. Causing the investigation of missing juveniles;
21. Analyzing data concerning crime, traffic, and other incidents relating to juveniles to assist in the utilization of resources;
22. Assuring that special precautions are taken to safeguard certain rights and liberties that pertain only to juveniles;
23. Formulating goals and objectives pertinent to the operation of the division on an annual basis; and
24. Providing other services required for the good of the department and the community.

#### **1.100.210 Juvenile Investigations Section**

##### **A. Objective**



The primary objective of the Investigations Section shall be the investigation of incidents involving:

1. Physical abuse;
2. Sexual abuse;
3. Missing children;
4. Runaway children;
5. Child custody situations;
6. Kidnappings;
7. Simple assaults;
8. Drug overdose of minors;
9. Accidental injuries involving juveniles;
10. Child neglect and abandonment; and
11. Selling of Children

**B. Organization**

The Investigations Section shall be organized to include the following:

1. Section Commander;
2. Physical Abuse Unit;
3. Sexual Abuse Unit;
4. Runaway/Missing Person Unit; and
5. Other personnel required for efficient operation.

**C. Duties and Responsibilities**

The supervisor of the Investigations Section shall be directly accountable to the commander of the Youth Services Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;
4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;

5. Causing the inspection of public places within the area of responsibility of the section to ensure compliance with all laws and ordinances pertinent to their operation;
6. Causing the investigation of conditions adversely affecting the health and welfare of the community;
7. Causing the enforcement of all laws, ordinances, and regulations especially in the areas of concern to the section;
8. Analyzing crimes involving areas of particular interest to the section to aid in the utilization of resources;
9. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and
10. Providing other services required for the good of the department and the community.

#### **1.100.220 School Investigations Section**

##### **A. Objective**

The primary objective of the School Investigations Section shall be the investigation of offenses and incidents occurring on school property.

##### **B. Organization**

The School Investigations Section shall be organized to include the following:

1. Section supervisor; and
2. Other personnel required for efficient operation.

##### **C. Duties and Responsibilities**

The supervisor of the School Investigations Section shall be directly accountable to the commander of the Youth Services Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other commanding officer of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;

4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;
5. Acting as a resource in regard to delinquency prevention;
6. Providing individual counseling to students;
7. Explaining the law enforcement role in society;
8. Causing the inspection of public places within the area of responsibility of the section to ensure compliance with all laws and ordinances pertinent to their operation;
9. Causing the investigation of conditions adversely affecting the health and welfare of the community;
10. Causing the enforcement of all laws, ordinances, and regulations especially in the areas of concern to the section;
11. Analyzing crimes involving areas of particular interest to the section to aid in the utilization of resources;
12. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and
13. Providing other services required for the good of the department and the community.

#### **1.100.230 Juvenile Resources Section**

##### **A. Objectives**

The primary objectives of the Juvenile Resources Section shall be to provide for:

1. The prevention of juvenile delinquency through the counseling of juveniles whose behavior could lead to Juvenile Court intervention;
2. The educating of juveniles and their parents regarding laws applicable to juveniles in order to enhance awareness and stress compliance;
3. The diversion of juveniles away from Juvenile Court prior to court intervention by referring them to mental health and drug treatment programs;
4. The assessment of juvenile use of alcoholic beverages and other controlled substances while making them aware of special legislation enacted to combat the problem;
5. The documenting of juvenile offenses for law enforcement purposes;
6. A liaison with Juvenile Court, the District Attorney General, State Department of Human Services, State Department of Youth Development, Board of Education, private prosecutors, and private citizens;
7. Acting as a resource in regard to delinquency prevention;
8. Providing individual counseling to youth; and

9. Explaining law enforcement's role in society.

**B. Organization**

The Juvenile Resources Section shall be organized to include the following:

1. Section supervisor;
2. Counseling/Case Management Unit;
3. Recidivism Reduction Unit; and
4. Other personnel required for efficient operation.

**C. Duties and Responsibilities**

The supervisor of the Juvenile Resources Section shall be directly accountable to the supervisor of the Youth Services Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of that section;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;
4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;
5. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and
6. Providing other services required for the good of the department and the community.

**1.100.240 Domestic Violence Division**

**A. Objective**

The primary objective of the Domestic Violence Division shall be the investigation of domestic-related criminal incidents which shall include the following:

1. Gather information and prepare cases pertaining to criminal activities sufficient to warrant the arrest and successful prosecution of criminal offenders;
2. Assist victims with safety planning and orders of protection; and
3. Educate victims and the community about personal safety and cycles of violence.

**B. Organization**

The Domestic Violence Division shall be organized to include the following:

1. Division Commander;
2. Investigative Section;
3. Counseling Section; and
4. Other personnel required for efficient operation.

**C. Duties and Responsibilities**

The commander of the Domestic Violence Division shall be directly accountable to the Deputy Chief of the Investigative Services Bureau for the proper administration, general management, and control of all matters related to the operation of that division and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other commander in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the division;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the division;
4. Organizing, directing, and controlling all resources of the division, maintaining operations at a productive level, and making the division sufficiently flexible to ensure optimum performance;
5. Remaining alert to the need for improved methods and techniques unique to the operations of the division;
6. The preparation of an annual budget encompassing the total operation of the division;
7. Exercising control over all purchases and disbursements for the division;
8. Seeking the most qualified personnel to fill vacant positions in the division;
9. Causing the investigation of all family violence incidents;

10. Training other police department components regarding family violence issues;
11. Formulating goals and objectives pertinent to the operation of the division on an annual basis; and
12. Performing other services required for the good of the department and the community.

#### **1.100.250 Investigative Section**

##### **A. Objectives**

The primary objective of the investigative section shall be the investigation of all domestic related incidents, as defined in TCA, to include but not limited to the following:

1. Threats;
2. Violation of Orders of Protection;
3. Assaults / Aggravated Assaults;
4. Stalking;
5. Kidnapping; and
6. Domestic Related Property Crimes

##### **B. Organization**

The Investigative Section shall be organized to include the following:

1. Section supervisor; and
2. Other personnel required for efficient operation.

##### **C. Duties and Responsibilities**

The supervisor of the Investigative Section shall be directly accountable to the commander of the Domestic Violence Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;

4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;
5. Causing the inspection of public places within the area of responsibility of the section to ensure compliance with all laws and ordinances pertinent to their operation;
6. Causing the investigation of conditions adversely affecting the health and welfare of the community;
7. Causing the enforcement of all laws, ordinances, and regulations especially in the areas of concern to the section;
8. Analyzing crimes involving areas of particular interest to the section to aid in the utilization of resources;
9. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and
10. Providing other services required for the good of the department and the community.

#### **1.100.260 Counseling Section**

##### **A. Objectives**

The mission of the Domestic Violence Counseling Section is to provide free, confidential counseling and advocacy to victims of domestic violence.

Recognizing that domestic crimes affect the entire family, services are extended to any non-offending family member.

Objectives are to provide the following:

1. Information on the various services offered by the Domestic Violence Counseling Section and/or referrals to other agencies in the community that provide related services and assistance to victims of crime as needed.
2. Crisis intervention at the crime scene or hospital, with a counselor on-call 24 hours a day, 7 days a week;
3. Assistance with Orders of Protection. Counselors will refer and coordinate with detectives for criminal prosecution when appropriate;
4. Individualized safety planning;
5. Limited court accompaniment in order to provide guidance, support, and clarification throughout the court process;
6. Collaboration with the Victim Witness Coordinators in the Office of the District Attorney and other court advocates on behalf of victims;
7. Short-term individual and group therapy, including grief counseling in the case of domestic homicide;

8. A full array of services for Hispanic victims with a full time bilingual social worker;
9. Follow up and outreach services by counselors contacting victims listed on police incident reports either by phone or letter;
10. Domestic violence educations within the department, which includes training with recruits, detectives, civilians, and regular annual in-service trainings;
11. Community education through presentations to community groups, civic organizations, professional associations, schools and universities; and
12. Problem-solving partnerships with the community. In keeping with departmental values, the Domestic Violence Counseling Section participates in community collaborations such as the Nashville Coalition Against Domestic Violence and the Tennessee Coalition Against Domestic and Sexual Violence.

**B. Organization**

The Counseling Section shall be organized to include the following:

1. Crisis Counseling Supervisor;
2. Police Crisis Counselors;
3. Students/Interns, when applicable; and
4. Other personnel required for efficient operation.

**C. Duties and Responsibilities**

The supervisor of the Counseling Section shall be directly accountable to the commander of the Domestic Violence Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of that section;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;
4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;
5. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and



6. Providing other services required for the good of the department and the community.

## **1.110 Organizational Structure Administrative Services Bureau**

### **1.110.010 Generally**

It is the policy of this department that each component assigns the sworn and civilian personnel required to perform assigned administrative duties. The component commander shall establish the duties. Personnel shall be responsible to that commander or another person so designated by the commander.

### **1.110.020 Definitions**

- A. **Bureau:** The major organizational component of the department, characterized by more than one specialized function that is essential to the overall police service operation, under the direction and control of a member subordinate only to the Chief of Police.
- B. **Division:** The primary constituent part of a bureau, self-contained and capable of independent action in providing a specific function of the bureau, under the direction and control of a member subordinate only to the bureau commander.
- C. **Section:** The primary constituent part of a division, performing one or more functional tasks of the division, under the direction and control of a member subordinate only to the division commander.
- D. **Unit:** A constituent part of an element listed above, generally responsible for performing a specific and specialized task under direct supervision of a member subordinate only to the commander of the element to which the unit is a part.

### **1.110.030 Administrative Services Bureau**

#### **A. Objectives**

The primary objectives of the Administrative Services Bureau shall be to develop and maintain standards for meeting demands regarding:

- 1. Personnel recruitment, selection, and training;
- 2. Preparing, analyzing, storing, and securing personnel files;
- 3. Researching and developing progressive operations for all departmental components;
- 4. Personnel performance of duty and compliance with rules, regulations, policies, procedures, and other directives of the department;
- 5. The development and operation of extensive training programs

and

6. The development and maintenance of effective methods for the preparing, analyzing, and storing of police records.

#### B. Organization

The Administrative Services Bureau shall be organized into divisions, sections, and other such units to include the following:

1. Office of the Bureau Commander;
2. Human Resources Division
3. Behavioral Health Services Division;
4. Training Division;
5. Records Division;
6. Information & Technology Division; and
7. Forensic Services Division

#### C. Duties and Responsibilities

The Deputy Chief of the Administrative Services Bureau shall be directly accountable to the Chief of Police for the proper administration, general management, and control of all matters related to the operation of that bureau and shall be governed by the same duties and responsibilities and rules and regulations applicable to any other commanding officer. They shall include the following:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as the representative of the department to any agency concerned with the activities and operation of the Administrative Services Bureau;
3. Familiarization with departmental policies and execution of a service program within the area of responsibility of the Administrative Services Bureau;
4. Preparing and submitting an annual budget for the Administrative Services Bureau;
5. Exercising control over all purchases and disbursements for the Administrative Services Bureau;
6. Seeking the most qualified personnel to fill vacant positions in all factions of the bureau;
7. Remaining available to serve in the capacity of department commander during those times when the Chief of Police is unavailable;
8. The formulating of goals and objectives pertinent to the operation of the Administrative Services Bureau on an annual basis; and

9. Performing such other duties and discharging such other responsibilities as may be assigned by the Chief of Police
10. Providing other services as may be required for the good of the department and the community.

#### **1.110.040 Human Resources Division**

##### **A. Objectives**

The Primary objectives of the Human Resources Division shall be:

1. The development and maintenance of efficient personnel records;
2. The preparation and maintenance of job descriptions;
3. The monitoring and development of background and recruitment activities; and
4. The development and maintenance of an efficient personnel payroll system.

##### **B. Organization**

The Human Resources Division shall be organized into sections to include:

1. Division Commander;
2. Personnel Section;
3. Payroll Section;
4. Recruitment and Backgrounds Unit; and
5. Other personnel required for efficient operation.

##### **C. Duties and Responsibilities**

The director of the Human Resources Division shall be directly accountable to the Deputy Chief of the Administrative Services Bureau for the proper administration, general management, and control of all matters related to the operation of that division and is generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities of the division;
3. Organizing, directing, and controlling all the resources of the division, maintaining operations at a productive level, and making the command flexible to insure optimum performance;

4. Formulating goals and objectives pertinent to the operation of the division on an annual basis; and
5. Performing other duties and discharging other responsibilities that may be assigned by the Deputy Chief of the Administrative Services Bureau.

#### **1.110.050 Personnel Section**

##### **A. Objectives**

The Primary objectives of the Personnel Section shall be:

1. The development and maintenance of an efficient personnel records system; and
2. The development and implementation of job descriptions, specifications, and salary classification schedules.

##### **B. Organization**

The Personnel Section shall be organized to include the following:

1. Section Supervisor; and
2. Other personnel required for efficient operation.

##### **C. Duties and Responsibilities**

The Personnel Section supervisor shall be directly accountable to the director of the Human Resources Division for the proper administration, general management, and control of all matters related to the conduct of the office. The Personnel Section shall generally be responsible for the following:

1. Maintaining liaison with the various elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;
3. Organizing, directing, and controlling all resources of the section;
4. The formulating of goals and objectives pertinent to the operation of the section on an annual basis;
5. The development, preparation and maintenance of a job task analysis for every class of sworn employee that includes, at a minimum: [21.1.1]
  - a. the work behaviors (duties, responsibilities, functions, tasks, etc);
  - b. the frequency with which the work behavior occurs; and

- c. the criticality of the job-related skills, knowledge, and abilities.
- 6. The preparation, analysis, storage, and security of individual personnel records including:
  - a. current residence, telephone, and other vital statistics;
  - b. application and background information;
  - c. records of transfer, promotion, and changes in pay scale;
  - d. records of performance evaluations;
  - e. records of attendance;
  - f. records of reprimands, suspensions, and dismissals;
  - g. records of garnishments and other such legal action; and
  - h. other records that may be required.
- 7. The preparation, analysis, storage, and security of department personnel records including:
  - a. manpower records which show the number of employees assigned to each component of the department;
  - b. promotional lists;
  - c. counseling records; and
  - d. other records that may be required.
- 8. Assisting the Metropolitan Personnel Department in the development and maintenance of class specifications; [21.2.2]
- 9. Ensuring that the department adheres to all federal, state and local laws and regulations related to the hiring or promoting of personnel;
- 10. Ensuring all newly hired personnel receive information regarding:
  - a. the department's role, purpose, goals, policies, and procedures;
  - b. working conditions and regulations;
  - c. employee responsibilities and rights; and
  - d. Mental Health Issues.
- 11. Providing other services required for the good of the department and the community.

#### **1.110.060 Payroll Section**

##### **A. Objective**

The objective of the Payroll Section will be the development and maintenance of an efficient payroll system.

**B. Organization**

The Payroll Section shall be organized to include the following:

1. Section Supervisor; and
2. Other personnel required for efficient operation.

**C. Duties and Responsibilities**

The supervisor of the Payroll Section shall be directly accountable to the director of the Human Resources Division for the proper administration, general management and control of all matters related to the operation of the section and shall be generally governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as the representative of the department to any agency concerned with the activities and operations of the section;
3. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section flexible to insure optimum performance;
4. Formulating goals and objectives pertinent to the operation of the section on an annual basis;
5. The preparation and distribution of the department's bi-monthly personnel payroll as well as maintaining and providing security for those records; and
6. Providing other services as may be required for the good of the department and the community.

**1.110.070 Recruitment and Background Unit**

**A. Objective**

The primary objective of the Recruitment & Background Unit will be to implement effective programs for personnel recruitment, testing, interviewing, background investigations, and the rating of applicants.

**B. Organization**

The Recruitment & Background Unit shall be organized to include the following:

1. Law Enforcement Recruiters; and

2. Other personnel required for efficient operation.

**C. Duties And Responsibilities**

The Recruitment & Background Unit shall be directly accountable to the director of the Human Resources Division for the proper administration, general management, and control of all matters related to the operation of the unit. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as the representative of the department to any agency concerned with the activities and operations of the unit;
3. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit flexible to insure optimum performance;
4. Formulating goals and objectives pertinent to the operation of the unit on an annual basis;
5. The comprehensive background investigation of all applicants for employment with the department;
6. The development, maintenance, and security of official applicant files;
7. The preparation of background investigation reports, including a complete analysis, with recommendations; and
8. Providing other services as may be required for the good of the department and the community.

**1.110.080 Behavioral Health Services Division**

**A. Objectives**

The primary objectives of the Behavioral Health Services Division shall be:

1. The establishment of programs to assist employees and their families in need of psychological support;
2. The establishment of programs to provide assistance to victims of crimes and their families; and
3. The establishment of programs to provide spiritual assistance to personnel and citizens in times of need.

**B. Organization**

1. Division Director; Division Assistant Director
2. Police Advocacy Support Section;
3. Victim Intervention Section;



4. Chaplain Section; and
5. Other personnel required for efficient operation.

**C. Duties and Responsibilities**

The director of the Behavioral Health Services Division shall be directly accountable to the Deputy Chief of the Administrative Services Bureau for the proper administration, general management, and control of all matters related to the operation of that division and is generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the division;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the division;
4. Organizing, directing, and controlling all resources of the division, maintaining operations of that division at a productive level, and making the division sufficiently flexible to insure optimum performance;
5. Seeking the most qualified personnel to fill vacant positions in the division;
6. Formulating goals and objectives pertinent to the operation of the division on an annual basis;
7. Preparing and submitting budget estimates encompassing the total operation of the division; and
8. Performing other duties and discharging other responsibilities as may be assigned by the Chief of Police.

**1.110.090 Police Advocacy Support Section**

**A. Objectives**

The primary objectives of the Police Advocacy Support Section shall be:

1. The prevention of personal and professional problems of department employees and their families; and
2. The assisting of employees and their families with those problems by providing psychological support, counseling, and advocacy services.

**B. Organization**

The Police Advocacy Support Section shall be organized to include the following:

1. Section Supervisor; and
2. Other personnel required for efficient operation.

**C. Duties and Responsibilities**

The supervisor of the Police Advocacy Support Section shall be directly accountable to the director of the Behavioral Health Services Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department.

Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of that section;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;
4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;
5. Formulating goals and objectives pertinent to the operation of the section on an annual basis;
6. Providing educational seminars for those employees interested in attending;
7. Conducting support group sessions for employees who wish to participate;
8. Providing referrals to outside consultants when necessary; and
9. Providing other services required for the good of the department and the community.

### **1.110.100 Victim Intervention Section**

#### **A. Objective**

The primary objective of the Victim Intervention Section shall be to provide support for crime victims and witnesses. The section is responsible for the implementation and delivery of victim and witness assistance services.

#### **B. Organization**

The Victim Intervention Section shall be organized to include the following:

1. Section Supervisor; and
2. Other personnel required for efficient operation.

#### **C. Duties and Responsibilities**

The supervisor of the Victim Intervention Section shall be directly accountable to the director of the Behavioral Health Services Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. The supervisor must ensure the confidentiality of all records and files of the section. The supervisor also facilitates efforts to periodically inform the public and media about the agencies victim/witness assistance services. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of that section;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;
4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;
5. Formulating goals and objectives pertinent to the operation of the section on an annual basis;
6. Providing victim assistance on a 24-hour basis;
7. Providing appropriate assistance to victims or witnesses who have been threatened or intimidated;

8. Maintaining a confidential record file of all referred cases;
9. Conducting educational seminars for employees and the community at large; and
10. Providing other services required for the good of the department and the community.

#### **1.110.110 Chaplain Section**

##### **A. Objectives**

The primary objectives of the Chaplain Section shall be:

1. To provide spiritual assistance to the personnel of the department and their families during times of illness, injury, or death;
2. The development and presentation of memorial services as needed;
3. To provide spiritual assistance and guidance to victims of crime; and
4. To provide spiritual assistance to the public during times of injury or death.

##### **B. Organization**

The Chaplain Section shall be organized to include the following:

1. Section Supervisor;
2. Crisis/Grief Counselor; and
3. Other personnel required for efficient operation.

##### **C. Duties and Responsibilities**

The supervisor of the Chaplain Section shall be directly accountable to the director of the Behavioral Health Services Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of that section;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;
4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;

5. Formulating goals and objectives pertinent to the operation of the section on an annual basis;
6. Providing assistance to citizens involved in traumatic incidents;
7. Notifying families of the death of family members;
8. Providing assistance to families in the event a member of the department is injured or killed;
9. Visiting sick or injured personnel; and
10. Providing other services required for the good of the department and the community.
11. The Crisis/Grief Counselor will assist the Chaplain with death notifications and all other duties. The Crisis/Grief Counselor may also work in tandem with P.A.S.S. to provide short-term, solution focused counseling following death notifications.

#### **1.110.120 Training Division**

##### **A. Objectives**

The primary objectives of the Training Division shall be:

1. The development of the most highly trained personnel possible;
2. The development and maintenance of a system of examinations and evaluation;
3. The development, preparation, and distribution of department training materials;
4. The development of a comprehensive records file to account for all training materials;
5. The establishment of an extensive firearms training program;
6. The security and maintenance of all department firearms; and
7. The coordinating of educational, training, and other programs for department personnel.

##### **B. Organization**

The Training Division shall be organized to include the following:

1. Division Commander;
2. Operations Section;
3. Physical Training Section; and
4. Confrontation Management Section.

##### **C. Duties and Responsibilities**

The commander of the Training Division shall serve as Director of the Training Academy and be directly accountable to the Deputy Chief of the Administrative Services Bureau for the proper administration,

general management, and control of all matters related to the operation of that division and be generally governed by the same duties and rules and regulations applicable to any other commanding officer of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the division;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the division;
4. Organizing, directing, and controlling all resources of the division, maintaining operations at a productive level, and making the command sufficiently flexible to ensure optimum performance;
5. Preparing and submitting budget estimates encompassing the total operation of the division;
6. Seeking the most qualified personnel to fill vacant positions in the division;
7. Remaining alert to the need for improved methods and techniques unique to the operations of the division;
8. Organizing, staffing, and administering all aspects of the operation of the Training Academy;
9. The establishment of courses and methods of instruction for personnel assigned to instructional duties in the Training Academy;
10. The supervision of instructional research, preparation of lecture and course outlines, and instructional techniques of the Training Academy staff;
11. The establishment of academic discipline and a system of reporting, reviewing, and evaluating training activities;
12. The presentation of certificates or other forms of recognition for employees who satisfactorily complete approved courses;
13. The development of supervisory and management training as well as other types of training necessary for the efficient operation of the department;
14. The maintenance of a police library;
15. Soliciting input for training programs from all personnel;
16. The inspection of all firearms coming into the custody of the department;
17. Staying informed of weapons development to ensure procurement of the best arms and ammunition available;
18. The establishment of safety regulations governing the use of firearms;
19. The establishment and enforcement of regulations governing the use of the gun range;
20. Formulating goals and objectives pertinent to the operation of the

- division on an annual basis; and
21. Performing other duties and discharging other responsibilities as may be assigned by the Deputy Chief of the Administrative Services Bureau.

### **1.110.130 Operations Section**

#### **A. Objectives**

The primary objectives of the Operations Section shall be:

1. The pre-service instruction of Police Officer Trainees in the fundamentals of the police service program;
2. The development and implementation of extensive in-service instruction for both sworn and civilian personnel designed to improve knowledge in the areas of:
  - a. Management and supervision;
  - b. Community relations;
  - c. Overall personnel development;
  - d. Current changes in department policies, procedures, regulations, and the law;
  - e. Other areas where specialized knowledge and skills are necessary.

#### **B. Organization**

The Operations Section shall be organized to include the following:

1. Section Supervisor; and
2. Other personnel required for efficient operation.

#### **C. Duties and Responsibilities**

The Supervisor of the Operations Section shall be directly accountable to the commander of the Training Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Planning, organizing, directing, and controlling activities of subordinates through direct supervision, guidance, and leadership;
4. Providing for continuous training and improvement of all training personnel;
5. Remaining alert to changes in policy, practices, and regulations affecting law enforcement so as to revise instructions to conform to current developments;
6. Supervising the preparation of lesson plans and maintaining a lesson plan file;
7. Controlling the quality of instruction through advance examination of lesson plans and by monitoring classroom instruction;
8. Arranging the classroom hours and causing schedules to be published;
9. Evaluating the performance and capabilities of personnel and making recommendations to the commander of the Training Division;
10. Modifying instruction methods when a need is indicated;
11. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section flexible to ensure optimum performance;
12. Developing and maintaining a visual aids program to assist instructors;
13. Formulating goals and objectives pertinent to the operation of the section on an annual basis;
14. The development and coordination of personnel training and educational programs to further improve the knowledge and skill of department personnel;
15. The development and maintenance of special personnel files to illustrate the formal training and education of each employee;
16. The counseling of all employees in the areas of personal and professional development, individual growth, occupational opportunity, and/or remedial training;
17. Performing other services required for the good of the department and the community;
18. Establishing and maintaining a record of training completed by employees; and
19. Counseling employees interested in increasing their potential and preparing themselves for advancement.

#### **1.110.140 Fitness and Wellness Section**

##### **A. Objectives**

The primary objective of the Fitness and Wellness Section shall be the development and maintenance of an extensive physical fitness



program designed to improve the overall physical condition of department personnel.

**B. Organization**

The Fitness and Wellness Section shall be organized to include the following:

1. Section Supervisor; and
2. Other personnel required for efficient operation.

**C. Duties and Responsibilities**

The Supervisor of the Fitness and Wellness Section shall be directly accountable to the commander of the Training Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;
3. Planning, organizing, directing, and controlling activities of subordinates through direct supervision, guidance, and leadership;
4. Providing for continuous training and improvement of all training personnel;
5. Preparing a training curriculum that satisfies current needs;
6. Evaluating the performance and capabilities of personnel and making recommendations to the commander of the Training Division;
7. Modifying instruction methods when a need is indicated;
8. Organizing, directing, and controlling all resources, maintaining operations of the section at a productive level, and making the section flexible to ensure optimum performance;
9. Developing an extensive physical fitness program for sworn employees;
10. Developing and maintaining a visual aids program to assist instructors;
11. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and
12. Performing other services required for the good of the department and the community.

#### **1.110.150 Confrontation Management Section**

##### **A. Objectives**

The primary objectives of the Confrontation Management Section shall be:

1. The development and maintenance of an extensive defensive tactics program designed to improve the capabilities of all sworn personnel in exercising reasonably necessary force in the apprehension and custody of persons;
2. The development and maintenance of an extensive firearms training program designed to develop and improve the proficiency of sworn personnel in the safe use and care of firearms;
3. The maintenance and storage of all department firearms and related equipment; and
4. The maintenance and storage of all department bullet resistant vests.

##### **B. Organization**

The Confrontation Management Section shall be organized to include the following:

1. Section Supervisor; and
2. Other personnel required for efficient operation.

##### **C. Duties and Responsibilities**

The Supervisor of the Confrontation Management Section shall be directly accountable to the commander of the Training Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;
3. Planning, organizing, directing, and controlling activities of subordinates through direct supervision, guidance, and leadership;
4. Providing for continuous training and improvement of all training personnel;

5. Remaining alert to changes in policy, practices, and regulations affecting law enforcement so as to revise instructions to conform to current developments;
6. Preparing a training curriculum that satisfies current needs;
7. Supervising the preparation of lesson plans and maintaining a lesson plan file;
8. Controlling the quality of instruction through advance examination of lesson plans and by monitoring classroom instruction;
9. Arranging the classroom hours and causing schedules to be published;
10. Evaluating the performance and capabilities of personnel and making recommendations to the commander of the Training Division;
11. Modifying instruction methods when a need is indicated;
12. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section flexible to ensure optimum performance;
13. Developing and maintaining a visual aids program to assist instructors;
14. Developing an extensive defensive tactics program;
15. Preparing a firearms training course, which satisfies department needs and the requirements, established by the state Peace Officer Standards and Training Commission;
16. Enforcing safety regulations governing the use of firearms while on the gun range;
17. Recording all qualification scores on approved firearms;
18. Providing for the protection of the gun range from damage or abuse;
19. Issuing and repairing all department owned firearms as well as authorized off duty weapons;
20. Issuing and fitting all department bullet resistant vests;
21. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and
22. Performing other services required for the good of the department and the community.

#### **1.110.160 Central Records Division**

##### **A. Objective**

The primary objective of the Central Records Division shall be to develop and maintain law enforcement records required to transact the official business of the department.

##### **B. Organization**

The Central Records Division shall be organized to include the following:

1. Division Commander;
2. Operations Support Section;
  - a. NCIC/Teletype Unit
  - b. Quality Assurance & Courts (QAC) Unit
  - c. Data Entry / Teleserve Unit
3. Public Request Section
  - a. Records Services Unit
4. Other personnel required for efficient operation

**C. Duties and Responsibilities**

The commander of the Central Records Division shall be directly accountable to the Deputy Chief of the Administrative Services Bureau for the proper administration, general management, and control of all matters related to the operation of that division and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other commander in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the division;
3. Planning, organizing, directing, and controlling activities of subordinates through direct supervision, guidance, and leadership;
4. Organizing, directing, and controlling all resources of the division, maintaining operations at a productive level, and making the division flexible to ensure optimum performance;
5. Exercising control over all purchases for the division;
6. Seeking the most qualified personnel to fill vacant positions in the division;
7. Consulting with other command personnel in order to prepare contingency plans for dealing with emergency or disaster situations;
8. The development and execution of a policy for maintaining department records;
9. Remaining alert to the need for improved methods and techniques unique to the operations of the division;
10. Implementing procedures for the accounting of all moneys received;
11. Formulating goals and objectives pertinent to the operation of the division on an annual basis; and
12. Performing other services required for the good of the department and the community.

## **1.110.170 Public Request Section**

### **A. Objectives**

The primary objectives of the Public Records Request Section shall be to:

1. Compile and maintain all official records of the department necessary to facilitate the law enforcement process; and
2. Provide economical and efficient access to public records as provided under the Tennessee Public Records Act ("TPRA") in Tenn. Code Ann. § 10-7-501, et seq.

### **B. Organization**

The Public Request Section shall be organized to include the following:

1. Public Records Request Coordinator (Section Supervisor);
2. Records Services Unit Supervisor; and
3. Other personnel required for efficient operation

### **C. Duties and Responsibilities**

The Public Records Request Coordinator shall be directly accountable to the commander of the Central Records Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Public Records Request Coordinator is the individual, or individuals, designated in Section III, A.3 of this Policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate personnel and are fulfilled in accordance with the TPRA. See Tenn. Code Ann. § 10-7-503(a)(1)(B). The Public Records Request Coordinator may also be a records custodian. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;
4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;
5. The development and maintenance of a report control plan to ensure the proper routing of reports to specialized components;

6. The maintenance of department records;
7. The development and maintenance of a system for record retrieval;
8. Ensuring the guidelines established by the TPRA for releasing records is followed;
9. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and
10. Performing other services required for the good of the department and the community.

#### **1.110.180 Operations Support Section**

##### **A. Objectives**

The primary objectives of the Operations Support Section shall be to:

1. Compile and maintain all official records of the department necessary to facilitate the law enforcement process; and
2. Ensure all operations that support patrol are handled accurately and efficiently

##### **B. Organization**

The Operations Support Section shall be organized to include the following:

1. Operations Support Officer;
2. NCIC Unit Supervisor on each shift
3. Data Entry / Teleservice Supervisors on each shift
  - a. RAC (Reporting Agency Coordinator)
  - b. Second Alt-RAC (Second Alternate Reporting Agency Coordinator)
4. QAC Supervisor
  - a. TAC (Terminal Agency Coordinator)
  - b. Alt TAC (Alternate Terminal Agency Coordinator)
5. Other personnel required for efficient operation

##### **C. Duties and Responsibilities**

The section supervisor of the Operations Support Section shall be directly accountable to the commander of the Central Records Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the

same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;
4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;
5. The development and maintenance of a report control plan to ensure the proper routing of reports to specialized components;
6. The maintenance of department records;
7. Ensuring the MNPB remains in compliance with TBI and FBI
8. The development and maintenance of a system for record retrieval;
9. The development and maintenance of a system for notifying personnel and affected agencies of NCIC entries of wanted persons, stolen property, and other information of interest to law enforcement;
10. The processing of criminal and non-criminal incident records;
11. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and
12. Performing other services required for the good of the department and the community

#### **1.110.190 Records Services Unit**

##### **A. Objectives**

The primary objectives of the Records Services Section shall be to:

1. Compile and maintain all official records of the department necessary to facilitate the law enforcement process; and
2. Assist internal and external elements with Open Records Request.

##### **B. Organization**

The Records Services Section shall be organized to include the following:

1. Section Supervisor; and
2. Other personnel required for efficient operation.

**C. Duties and Responsibilities**

The supervisor of the Records Services Section shall be directly accountable to the Public Records Request Coordinator for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;
4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;
5. The development and maintenance of a report control plan to ensure the proper routing of reports to specialized components;
6. The maintenance of department records;
7. The development and maintenance of a system for record retrieval;
8. The processing of criminal and non-criminal incident records;
9. The processing of traffic related incident reports;
10. The operation of the department print shop;
11. Furnishing the public with copies of reports needed for insurance or other purposes and collecting fees as prescribed by ordinance;
12. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and
13. Performing other services required for the good of the department and the community.

**1.110.200 Quality Assurance Unit**

**A. Objectives**

The primary objectives of the Quality Assurance Unit shall be:

1. Provide for the development and implementation of effective programs to manage NCIC certification and to ensure compliance with TBI standards;
2. Develop and manage Judicial Expungements and Administrative Expungement Orders; and



3. Provide for the development and implementation of effective programs for the enforcement of the Metropolitan Code pertaining to burglary, robbery, and panic alarms.

**B. Organization**

The Quality Assurance Unit shall be organized to include the following

1. Section Supervisor;
2. False Alarm Unit;
3. Expungements;
4. Terminal Agency Coordinator (TAC); and
5. Quality Assurance

**C. Duties and Responsibilities**

The supervisors of the Quality Assurance Section shall be directly accountable to the Commander of the Records Division for the proper administration, general management, and control of all matters related to the operation of that section and is generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department.

The TAC and Alt TAC should be knowledgeable of TCIC, NCIC, and NLETS policies and procedures and shall be responsible for ensuring compliance with them. The TAC and Alt TAC are also responsible for maintaining accurate and up to date user agreements. Assigned duties shall include:

1. Completing reports necessary for the efficient operation of the department;
2. Conducting audits as required;
3. Ensuring the MNPd remains in compliance with TBI
4. Reviewing and maintaining a record of all false robbery, burglary, and panic alarm notices;
5. Causing citations to be issued for violations of the Alarm Ordinance;
6. Educating alarm users in ways to reduce false alarms;
7. Ensuring guidelines established by the Federal Bureau of Investigation for crime reporting are followed;
8. Ensuring that personnel receive required training to remain certified in the use of Metropolitan Government, Tennessee Bureau of Investigation, and Federal Bureau of Investigation computer files;
9. The processing of judicial and administrative expungements;
10. Completing reports necessary for the efficient operation of the department;
11. Conducting audits as required;

12. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and
13. Performing other services required for the good of the department and the community.

### **3.110.210 Data Entry/Teleserve Unit**

#### **A. Objectives**

The primary objectives of the Data Entry/Teleserve Unit:

1. Shall be to compile and enter specified facts and information derived from department reports into the computer system as is necessary for law enforcement purposes; and
2. Shall be to screen specified calls for service to determine if an investigation at the scene of the incident will be beneficial in its resolution.

#### **B. Organization**

The Data Entry/Teleserve Unit shall be organized to include the following:

1. Section Supervisor;
2. Reporting Agency Coordinator (RAC); and
3. Other personnel required for efficient operation.

#### **C. Duties and Responsibilities**

The supervisor of the Data Entry/Teleserve Unit shall be directly accountable to the Records Services Officer for the proper administration, general management, and control of all matters related to the operation of that section and is generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department.

The RAC and Second Alt RAC are the primary contacts for the agency's crime incident report and coordination which includes the agency's collection of data for the TIBRS program; the RAC is the primary person involved with the triennial audit for TIBRS occurs. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;
4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;
5. Ensuring guidelines established by the Federal Bureau of Investigation for crime reporting are followed;
6. Ensuring that personnel receive required training to remain certified in the use of Metropolitan Government, Tennessee Bureau of Investigation, and Federal Bureau of Investigation computer files;
7. Causing all calls referred to the section to be processed in the order they are received in the most expeditious manner utilizing department report writing procedures; completing reports necessary for the efficient operation of the department;
8. Completing reports necessary for the efficient operation of the department;
9. Conducting audits as required;
10. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and
11. Providing other services required for the good of the department and the community.

#### **1.110.220 NCIC/TELETYPE UNIT**

##### **A. Objectives**

The primary objectives of the NCIC/Teletype Unit is to provide critical support to the MNPd investigative units, officers in the field, and outside agencies. The NCIC-Teletype Unit is responsible for timely and accurate NCIC entries of Wanted and Missing Persons and Stolen or Lost Property. It is also the responsibility of the Unit to confirm the validity of NCIC records ("Hits") with outside agencies to ensure that persons or property are not wrongfully detained.

##### **B. Organization**

The NCIC/Teletype Unit shall be organized to include the following:

1. Shift Supervisors and
2. Other personnel required for efficient operation.

##### **C. Duties and Responsibilities**

The supervisor of the NCIC/Teletype Unit shall be directly accountable to the Commander of the Records Division for the proper administration, general management, and control of all matters related to the operation of

that section and is generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. The development and maintenance of a system for notifying personnel and affected agencies of NCIC entries of wanted persons, stolen property, and other information of interest to law enforcement;
2. Provide 24 hour operation (divided into three shifts) that directly supports patrol, investigative units, and outside agencies with NCIC and Teletype support;
3. Monitor the NCIC terminal 24 hours a day, 7 days a week; and
4. Manage the 24 hour Tow Call Center
5. Maintaining the BOLO Application System for the department
6. Monitoring the AFR software for Missing Persons reports
7. Metro Tow Call Center is to verify the status of abandoned, immobile, or unattended vehicles before any towing action is taken against them by any person, firm, or entity pursuant to TCA 55-16-105 subsection
8. Ensuring the MNPd remains in compliance with TBI
9. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and
10. Providing other services required for the good of the department and the community.

#### **1.110.230 Information & Technology Division**

##### **A. Objectives**

The primary objective of the Information & Technology Division shall be to provide quality computer and technology services to meet the needs of the users within the department.

##### **B. Organization**

The information & Technology Division shall be organized to include the following:

1. Division Commander;
2. Software Development and Support Section;
3. Systems Administration Section;
4. Record Management Systems Section;
5. Operations and Business Continuity Unit;and
6. Other personnel required for efficient operation.

**C. Duties and Responsibilities**

The Information & Technology Division commander shall be directly accountable to the Deputy Chief of the Administrative Services Bureau for the proper administration, general management, and control of all matters related to the operation of the division. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as the representative of the department to any agency concerned with the activities and operations of the division;
3. Organizing, directing, and controlling all resources of the division, maintaining operations at a productive level, and making the division flexible to ensure optimum performance;
4. Formulating goals and objectives pertinent to the operation of the division on an annual basis;
5. Exercising control over all purchases for the division;
6. Seeking the most qualified personnel to fill vacant positions in the division;
7. Consulting with other command personnel in order to prepare contingency plans for dealing with emergency or disaster situations;
8. The development and maintenance of an effective computer system;
9. The processing and communication of data to facilitate the needs of the department;
10. The design and development of systems to promote the most effective use of police-related data and the production of supporting programs; and
11. Providing other services as may be required for the good of the department and the community.

**1.110.240 Software Development and Support Section**

**A. Objective**

The primary objective of the Software Development and Support Section shall be to purchase or develop software that meets the needs of departmental users, and to provide maintenance and support for that software. The section also ensures that detailed disaster recovery plans are developed and maintained.

**B. Organization**

The Software Development and Support Section shall be organized to include the following:

1. Section Supervisor;
2. Software Development Unit;
3. Quality Assurance Unit; and
4. Other personnel required for efficient operation.

**C. Duties and Responsibilities**

The Manager of the Software Development and Support Section shall be directly accountable to the commander of the Information & Technology Division for the proper administration, general management, and control of all matters related to the operation of the section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;
4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;
5. The maintenance of all computer hardware to end users;
6. The distribution of job printouts to the requesting component;
7. Receiving, scheduling, and tracking user reports of computer problems;
8. Collecting and accounting for money paid by outside agencies and individuals for the generation of special reports;
9. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and
10. Performing other services required for the good of the department and the community.

**1.110.250 Software Development Unit**

**A. Objective**

The primary objective of the Software Development Unit shall be to develop new application software for users and to maintain these police specific applications.

**B. Organization**

1. Unit Supervisor; and
2. Other personnel required for efficient operation.

**C. Duties and Responsibilities**

The Software Development Unit shall be directly accountable to the Manager of the Software Development and Support Section of the Information & Technology Division for the proper development and implementation of agency specific written applications.

Assigned duties shall include:

1. Assisting with the designing of police specific software;
2. Development and implementation of assigned in-house police specific applications;
3. Maintaining liaison with all other elements of the department and allied agencies;
4. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;
5. Providing support and maintenance of all mainframe application software;
6. Providing support and maintenance of all mainframe computer databases;
7. Performing other services required for the good of the department and the community.

**1.110.260 Quality Assurance Unit**

**A. Objective**

The primary objectives of the Quality Assurance Unit of the Information and Technology Division is to monitor the progress on all assigned projects approved by the Department's Executive Staff and to assure that support and maintenance is administered for all police specific applications.

**B. Organization**

The Quality Assurance Unit shall be organized to include the following:

1. Unit Supervisor; and
2. Other personnel required for efficient operation.

**C. Duties and Responsibilities**

The QA Unit Supervisor and Staff shall be directly accountable to the Manager of the Software Development and Support Section of the Information & Technology Division for the purpose of reviewing and processing all software and hardware requests submitted by MNPB users.

Assigned duties shall include:

1. Reviewing 209a requests to determine business needs and justifications;
2. Develop purchase requests to procure needed software and hardware for the department;
3. Information Technology Project Management of assigned projects;
4. Defining specifications for approved projects;
5. Monitor Help Desk calls to assure response is provided;
6. Develop User Documentation on in-house and vendor purchased police specific applications;
7. Deployment, Training, and Quality Assurance of all deployed police specific applications;
8. Research, develop, and dispense documentation concerning police activities;
9. Maintain and support all purchased police specific applications.

#### **1.110.270 Systems Administration Section**

##### **A. Objective**

The primary objective of the Systems Administration Section is to ensure the administration, security, maintenance, and integrity of the department's Information and Technology Systems.

##### **B. Organization**

The Systems Administration Section shall be organized to include the following:

1. Section Manager;
2. Systems Security Unit;
3. Operations and Business Continuity Unit; and
4. Other personnel necessary for efficient operation.

##### **C. Duties and Responsibilities**

The manager of the Systems Administration Section and his staff shall be directly accountable to the commander of the Information &



Technology Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;
4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;
5. Remaining alert to the need for improved methods and techniques unique to the operations of the section;
6. Acting as the initial contact to other department components using the system;
7. Designing programs to meet the needs of other department components;
8. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and
9. Providing other services required for the good of the department and the community.

#### **1.110.280 Operations and Business Continuity Unit**

##### **A. Objective**

The primary objective of the Operations and Business Continuity unit shall be to ensure the efficient day-to-day operation of the department's information and technology systems and ensure that disaster recovery plans are updated and maintained.

##### **B. Organization**

The Operations and Business Continuity Unit shall be organized to include the following:

1. Unit supervisor; and
2. Other personnel required for efficient operation.

##### **C. Duties and Responsibilities**

The supervisor of the Operations and Business Continuity Unit shall be accountable to the manager of the Systems Administration Section for the proper administration, general management, and control of all matters related to the operation of the section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;
4. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;
5. The scheduling of jobs run on the department's IT systems;
6. The management of the tape library;
7. The maintenance of all departmental IT hardware;
8. The distribution of job printouts to the requesting component;
9. Maintaining and updating disaster recovery plans;
10. Tracking and planning for all IT related purchases and expenses;
11. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and
11. Performing other services required for the good of the department and the community.

#### **1.110.290 Systems Security Unit**

##### **A. Objective**

The primary objective of the Systems Security Unit shall be to ensure the security and integrity of the department's information and technology systems.

##### **B. Organization**

The Systems Security Unit shall be organized to include the following:

1. Unit supervisor; and
2. Other personnel required for efficient operation.

##### **C. Duties and Responsibilities**

This unit shall be accountable to the manager of the Systems

Administration Section for the proper administration, general management, and control of all matters related to the operation of the unit and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining security for all Information and Technology user accounts;
2. Maintaining and updating security for sensitive Information and Technology devices;
3. Maintaining and updating Information and Technology inventory for software and hardware;
4. Performing audits for all Information and Technology systems;
5. Maintaining liaison with all other elements of the department and allied agencies;
6. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;
7. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;
8. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;
9. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and
10. Performing other services required for the good of the department and the community.

### **1.110.300 Records Management System Section**

#### **A. Objective**

The primary objective of the Records Management System Section shall be to ensure the success of the creation, implementation, and maintenance of the police department's Record Management System.

#### **B. Organization**

The Records Management System Section shall be organized to include the following:

1. Section Manager; and
2. Other personnel required for efficient operation.

#### **C. Duties and Responsibilities**

The supervisor of the Records Management System Section and his staff shall be directly accountable to the commander of the Information & Technology Division for the proper administration, general management, and control of all matters related to the operation of the section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;
4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;
5. Create and update the Records Management System project schedule;
6. Ensure that all deadlines on the RMS project are achieved;
7. Ensure that goal and objectives of RMS project are fulfilled;
8. Responsible for coordinating the different teams that participate on the RMS project;
9. Administration and maintenance of the department's Record Management System;

#### **1.110.310 Forensic Services Division**

##### **A. Objectives**

The primary objective of the Forensic Services Division shall be the processing of crime scenes and items of evidence.

##### **B. Organization**

The Forensic Services Division shall be organized to include:

1. Division Commander;
2. Identification Section;
3. Crime Scene Investigation Section; and
4. Other personnel necessary for efficient operation.

##### **C. Duties and Responsibilities**

The commander of the Forensic Services Division shall be directly accountable to the Deputy Chief of the Administrative Services Bureau for the proper administration, general management and control of all matters related to the operation of that division and shall be governed by the same duties and responsibilities and rules and regulations applicable to any other commander of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities of the division;
3. Organizing, directing, and controlling all the resources of the division, maintaining operations at a productive level, and making the command flexible to ensure optimum performance;
4. Exercising control over all purchases and disbursements for the division;
5. Seeking the most qualified personnel to fill positions in the division;
6. Consulting with other command personnel in order to prepare contingency plans for dealing with emergency or disaster situations;
7. Remaining alert to the need for improved methods and techniques pertaining to the operation of the section;
8. Providing for the continued training and improvement of personnel assigned to the division;
9. Formulating goals and objectives pertinent to the operation of the division on an annual basis; and
10. Performing other duties and discharging other responsibilities that may be assigned by the commander of the Administrative Services Bureau.

#### **1.110.320 Identification Section**

##### **A. Objectives**

The primary objectives of the Identification Section shall include, but not be limited to:

1. The compiling and maintaining of information on suspected and arrested criminals including:
  - a. Mug photographs;
  - b. Master fingerprint card files;

- c. Criminal history records; and the
  - d. AFIS fingerprint database.
2. Maintain the following records for the department:
- a. Crime scene reports;
  - b. Digital image disks;
  - c. Latent prints; and
  - d. Fingerprints and photographs of department employees.
3. Comparison of latent prints to known fingerprints and other latent prints.
4. Quality control of arrest and criminal history records:
- a. Corrections in the arrest files;
  - b. Corrections in the criminal history files;
  - c. Assist with arrest entry and booking problems; and
  - d. Assist with other sections in the department with problem records.
5. The establishment and maintenance of evidence and case record files.

#### B. Organization

The identification Section shall be organized to include the following:

- 1. Section Commander; and
- 2. Other personnel required for efficient operation.

#### C. Duties and Responsibilities

The Identification Section commander shall be directly accountable to the commander of the Forensic Services Division for the proper administration, general management, and control of all matters related to the operation of that section and shall be governed by the same duties and responsibilities and rules and regulations applicable to any other commander of the department. Assigned duties shall include:

- 1. Maintaining liaison with the various elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;
3. Organizing, directing, and controlling all resources of the section;
4. Seeking the most qualified personnel to fill vacant positions in the section;
5. Ensuring compliance with the most recent legal pronouncements governing establishment and conduct of criminal investigation procedures;
6. The preparation of identification records and fingerprint evidence for court use;
7. The classification and maintenance of all fingerprint cards;
8. The formulating of goals and objectives pertinent to the operation of the section on an annual basis; and
9. Providing other services required for the good of the department and the community.

**1.110.330 Crime Scene Investigation Section**

**A. Objectives**

The primary objectives of the Crime Scene Investigation Section shall be the investigation of crime scenes and the procurement of:

1. Photographs and sketches for documentation;
2. Latent fingerprints; and
3. Other physical and trace evidence.

**B. Organization**

The Crime Scene Investigation Section shall be organized to include the following:

1. Section Commander; and
2. Other personnel required for efficient operation.

**C. Duties and Responsibilities**

The Crime Scene Investigation Section commander shall be directly accountable to the commander of the Forensic Services Division for the proper administration, general management, and control of all matters related to the operation of that section and shall be governed by the same duties and responsibilities and rules and regulations

applicable to any other commander of the department. Assigned duties shall include:

1. Maintaining liaison with the various elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;
3. Organizing, directing, and controlling all resources of the section;
4. Seeking the most qualified personnel to fill vacant positions in the section;
5. Ensuring compliance with the most recent legal pronouncements governing establishment and conduct of criminal identification procedures;
6. Establishing procedures for the examination of crime scenes to locate and document evidence;
7. Seeking the most qualified personnel to fill positions in the section;
8. The formulating of goals and objectives pertinent to the operation of the section on an annual basis; and
9. Providing other services required for the good of the department and the community.



## **1.120 Organizational Structure of the Community Services Bureau**

### **1.120.010 Generally**

- A. The purpose of this order is to describe the objectives, organizational structure, and the duties and responsibilities of the Community Services Bureau and all components that fall under the responsibility of that bureau.
- B. It is the policy of this department that each component shall be assigned the sworn and civilian personnel required to perform all duties. The component commander shall establish the duties. Personnel shall be responsible to that commander or another person so designated.

### **1.120.020 Definitions**

- A. **Bureau:** The major organizational component of the department, characterized by more than one specialized function that is essential to the overall police service operation, under the direction and control of a Deputy Chief of Police.
- B. **Division:** The primary element part of a bureau, self-contained and capable of independent action in providing a specific function of the bureau, under the direction and control of a member subordinate to the bureau commander.
- C. **Precinct:** A clearly defined geographic area of considerable size that is usually a element part of a division and capable of independent action in providing the same specific function as the division, under the direction and control of a member subordinate to the member commanding the division.
- D. **Section:** The primary element part of a division, performing one or more functional tasks of the division, under the direction and control of a member subordinate to the division commander.
- E. **Shift:** A predetermined or scheduled tour of duty, responsible for performing one or more functional tasks of a component during the specified time period, under the general supervision of a member subordinate only to the precinct commander.
- F. **Unit:** A constituent part of an element listed above, generally responsible for performing a specific and specialized task under the direct supervision of a member subordinate only to the commander of the component of which the unit is a part.
- G. **District:** A clearly defined geographic area of variable size, usually a subdivision of a precinct and capable of independent action in providing the same specific function as the precinct on a smaller scale, under the general supervision of a member subordinate to the shift commander.

- H. **Zone:** A clearly defined geographic area of variable size, usually a subdivision of a district and capable of independent action in providing the same specific function as the district, but under the general supervision of the member in charge of the district.
- I. **Detail or Squad:** A small and subordinate part of any component that is assigned a particular task, under the supervision of a designated member.

### **1.120.030 Community Services Bureau**

#### **A. Objectives**

The primary objectives of the Community Services Bureau shall be to provide the line or field services and facilities required to achieve the objectives of the department. The bureau shall engage in continuous research and planning to develop and maintain acceptable standards for meeting demands in:

1. The development of routine and emergency patrol procedures;
2. The development of routine and specialized investigative procedures;
3. The development of routine and specialized procedures for traffic-related matters;
4. The development of other specialized services necessary to support patrol, traffic, and investigative efforts; and
5. The formulation of crime prevention programs.

#### **B. Organization**

The Community Services Bureau shall be further organized into divisions, sections, and other such units to include the following:

1. Office of the Bureau Commander;
2. Patrol Precincts;

#### **C. Duties and Responsibilities**

The Deputy Chief of the Community Services Bureau shall be directly accountable to the Chief of Police for the proper administration, general management, and control of all matters related to the operation of that bureau and shall be governed by the same command duties and responsibilities and rules and regulation applicable to any other commanding officer. They shall include the following:

1. Maintaining liaison with all other elements of the department, allied agencies, and the community at large;

2. Serving as the representative of the department to any agency or community member concerned with the activities and operation of the Community Services Bureau;
3. Familiarization with the departmental policies and execution of a service program within the area of responsibility of the Community Services Bureau;
4. Preparing and submitting an annual budget for the Community Services Bureau;
5. Exercising control over all purchases and disbursements for the Community Services Bureau;
6. Seeking the most qualified personnel to fill vacant positions in all factions of the bureau;
7. Causing the inspection of public places and the enforcement of all laws;
8. The formulating of goals and objectives pertinent to the operation of the Community Services Bureau on an annual basis;
9. Causing the investigation of conditions adversely affecting the security, health, and welfare of the community;
10. Causing the enforcement of all laws, ordinances, and regulations through aggressive patrol action, traffic enforcement, crash investigation, and the investigation of criminal activities;
11. Analyzing data concerning crime, traffic, and other incidents to aid in the development, deployment, and utilization of resources; and
12. Performing such other duties and discharging such other responsibilities as may be assigned by the Chief of Police.

#### **1.120.040 Patrol Precinct**

##### **A. Objective**

The Patrol Precinct shall be decentralized into as many separate command operations as deemed necessary by the Chief of Police. They will be divided into specific and separate geographic areas within Davidson County, Tennessee and their objectives shall be consistent with those of the Community Services Bureau.

##### **B. Organization**

The Patrol Precinct shall be organized to include the following:

1. Precinct Commander;
2. Community Affairs Unit;
3. Precinct Criminal Investigation Unit; and
4. Other personnel required for efficient operation.

**C. Duties and Responsibilities**

The Patrol Precinct commander shall be directly accountable to the Deputy Chief of Community Services Bureau for the proper administration, general management, and control of all matters related to the conduct of the precinct. The Patrol Precinct shall generally be responsible for the following:

1. Providing a law enforcement response to community needs on twenty-four (24) hours a day, seven (7) days a week basis;
2. Maintaining liaison with the various elements of the department, allied agencies, and the community at large;
3. Serving as a representative of the department to any agency or community member concerned with the activities and operations of the Precinct;
4. Organizing, directing, and controlling all resources of the precinct;
5. The formulating of goals and objectives pertinent to the operation of the precinct on an annual basis;
6. Causing the general inspection of public places in the community to ensure compliance with applicable laws;
7. Causing the investigation of conditions adversely affecting the security, health, and welfare of the community;
8. Causing the enforcement of all laws, ordinances, and regulations through aggressive patrol action;
9. Analyzing data concerning crime, traffic, and other incidents to aid in the proper development, deployment, and utilization of resources;
10. Developing roll call training and identifying qualified instructors for such training programs; and
11. Performing other services required for the good of the department and the community.

**1.120.050 Precinct Community Affairs Unit**

**A. Objectives**

The primary objectives of the Community Affairs Unit shall be to:

1. Develop and maintain effective crime control programs with emphasis on organizing citizens of the community in the common cause of reducing criminal activity; and
2. Promote positive influences on citizens of the community through the presentation of programs geared toward developing friendly and cooperative relationships with the department.

**B. Organization**

The Community Affairs Unit shall be organized at each precinct to include the following:

1. Community Affairs Coordinator;
2. Other personnel necessary for efficient operation.

**C. Duties and Responsibilities**

The supervisor of the Community Affairs Unit shall be directly accountable to the Commander of the Patrol Precinct for the proper administration, general management, and control of all matters related to the operation of that unit and is generally governed by the same command duties and responsibilities, rules and regulations applicable to any other commanding officer. Assigned duties shall include:

1. Establishing and maintaining liaison with all other elements of the department, allied agencies, and interested community groups;
2. Informing all personnel that they are responsible for achieving community relations objectives;
3. Developing community relation's policies for the department;
4. Publicizing department objectives, problems, and successes;
5. Conveying information transmitted from citizen organizations to the department;
6. Improving department practices regarding police-community relations;
7. Identifying training needs through interviews with citizens and conferences with supervisors;
8. Establishing community groups where they are needed;
9. Conducting an analysis of crime data by crime type and geographic area in order to target effective programs;
10. Targeting programs that address community perceptions or misperceptions of crime;
11. Conducting an evaluation of the effectiveness of crime prevention programs;
12. Preparing and submitting a quarterly report to the Chief of Police that includes:
  - a. A description of current concerns of the community;
  - b. A description of potential problems that have a bearing on law enforcement within the community;
  - c. A statement of recommended actions that address previously identified concerns and problems; and

- d. A statement of progress made toward addressing previously identified concerns and problems.
13. Conducting a survey of citizen attitudes and opinions every two years that includes:
- a. Overall department performance;
  - b. The overall competence of department employees;
  - c. The behavior and attitude of officers toward citizens;
  - d. Concerns over safety and security within the county; and
  - e. Recommendations and suggestions for improvement.
14. Serving as a representative of the department to any agency concerned with the activities and operations of the unit.
15. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the division sufficiently flexible to ensure optimum performance;
16. Being active in crime prevention by educating citizens in crime control techniques;
17. Developing and maintaining adequate supplies of crime prevention materials to be distributed or used in the presentation of programs;
18. Maintaining a ledger to document all presentations;
19. Attending crime prevention seminars and other schools in order to continually update the objectives of the unit;
20. Providing other services required for the good of the department and the community.

#### **1.120.060 Precinct Criminal Investigation Unit**

##### **A. Objective**

The primary objective of the Precinct Investigation Unit shall be the investigation of:

- 1. Homicides, assaults, robberies, or any attempt to commit such crimes and related offenses;
- 2. Burglary or any attempted burglary;
- 3. Theft or any attempted theft;
- 4. All suspicious, sudden, or violent deaths; and
- 5. All other related offenses.

##### **B. Organization**

The Precinct Investigation Unit shall be organized at each precinct to include the following:

1. Unit Commander; and
2. Precinct Detectives.

**C. Duties and Responsibilities**

The Unit commander shall be directly accountable to the Precinct Commander for the proper administration, general management, and control of all matters related to the operation of that Unit and shall be governed by the same command duties and responsibilities and rules and regulations applicable to any other commander of the department.

Assigned duties shall include:

1. Maintaining liaison with the various elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;
3. Organizing, directing, and controlling all resources of the unit;
4. Seeking the most qualified personnel to fill vacant positions in the unit;
5. Analyzing crimes of violence to aid in the utilization of resources;
6. Remaining alert to the need for improved methods and techniques pertaining to investigations for which the unit is responsible;
7. Providing for the continued training of all investigators assigned to the unit;
8. The formulating of goals and objectives pertinent to the operation of the unit on an annual basis;
9. Providing other services required for the good of the department and the community.

## **1.130 Organizational Structure of the Professional Standards Division**

### **1.130.010 Professional Standards Division**

#### Organization

The Professional Standards Division shall be directly accountable to the Chief of Police and the Mayor. The Professional Standards Division shall be organized to include the following:

1. Office of Professional Accountability
2. Legal Resources Section; and
3. Other personnel required for efficient operation.

### **1.130.020 Office of Professional Accountability**

#### A. Objectives

The primary objectives of the Office of Professional Accountability (OPA) shall be:

1. Conducting investigations as directed by the Director of the Professional Standards Division regarding complaints and accusations made against personnel of the department;
2. Coordinating and monitoring the department's disciplinary procedures; and
3. Assisting with policy formation and identification of policy/training failures.

#### B. Duties and Responsibilities

The Commander of the Office of Professional Accountability shall be directly accountable to the Director of the Professional Standards Division for the proper administration, general management, and control of all matters related to the operation of that section and is generally governed by the same duties and responsibilities, rules and regulations applicable to any other commanding officer of the department.

Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;



2. Making policy recommendations to the Director of the Professional Standards Division on various issues concerning the professional standards of the department;
3. Building and maintaining community outreach programs to educate the public about the OPA's role in ensuring professional standards for police personnel;
4. Serving as a representative of the department to any agency concerned with the activities and operations of the Office of Professional Accountability;
5. Organizing, directing, and controlling all resources of the Office of Professional Accountability, maintaining operations at a productive level, and making the office sufficiently flexible to insure optimum performance;
6. Preparing and submitting budget estimates encompassing the total operation of the office;
7. Seeking the most qualified personnel to fill vacant positions in the office;
8. Remaining alert to the need for improved methods and techniques unique to the operations of the Office of Professional Accountability;
9. Supervising investigations in matters involving deficiencies of and accusations against department personnel;
10. Supervising, coordinating, and monitoring the department's disciplinary procedures;
11. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the office, which include:
  - a. recording, registering, and controlling the investigation of complaints against officers;
  - b. supervising and controlling the investigation of alleged or suspected misconduct within the department;
  - c. maintaining the confidentiality of internal investigations and records;
  - d. supervising and monitoring the department's disciplinary procedures initiated by commanding officers and supervisors;
  - e. providing assistance to any commanding officer or supervisor in the advancement of the department's interest;
  - f. the security of all files regarding internal investigations conducted by OPA;
  - g. completing an annual report regarding internal investigations conducted by the department;
  - h. checking for policy failures that result in employee misconduct;
  - i. submitting monthly reports to the Chief of Police regarding internal investigations; and

- j. administer polygraph and/or Computer Voice Stress Analysis examinations in all instances as per the policy of the department.

12. Providing and maintaining records for the purpose of:

- a. issuing complaint numbers to provide control and security to investigations involving department personnel;
- b. monitoring and documenting the progress and disposition of internal investigations; and

13. Formulating goals and objectives pertinent to the operation of the Office of Professional Accountability on an annual basis; and

14. Performing other duties and discharging other responsibilities as may be assigned by the Chief of Police.

C. Rotation Policy

Officers, sergeants and lieutenants assigned to the Office of Professional Accountability (OPA) as investigators will generally serve in that capacity for a period not to initially exceed three consecutive years.

- 1. Investigators may be transferred out of OPA at their request, at the discretion of the Director of the Professional Standards Division or **at any time** by the Chief of Police.
- 2. OPA shall maintain a new sergeant rotation program for the purpose of training new supervisors in administrative investigations. The rotation assignment shall last for a period not less than eight weeks.

**1.130.040 Legal Resources Section**

A. Objectives

- 1. The primary objectives of the Section shall be:
- 2. The development, implementation, and maintenance of a comprehensive program of pre-trial case preparation; and
- 3. The facilitation of innovative programs regarding the processing of criminal and traffic law violations.

B. Duties and Responsibilities

The commander of the Legal Resources Section shall be directly accountable to the Director of the Professional Standards Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other commanding officer of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;
4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;
5. Reviewing all reports as may be necessary to ensure legal sufficiency;
6. Observing the conduct of case preparation in all pre-trial functions by department personnel and providing evaluations regarding performance;
7. Obtaining information concerning the preparation of cases as may be required for department research and development;
8. Provide legal training to basic recruits and in-service training to sworn employees;
9. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and
10. Providing other services required for the good of the department and the community.

## **1.140 Organizational Structure of the Executive Services Bureau**

### **1.140.010 Generally**

- A. The purpose of this order is to describe the objectives, organizational structure, and duties and responsibilities of the Executive Services Bureau and other components that fall under the responsibility of that bureau.
- B. It is the policy of this department that each component assigns the sworn and civilian personnel required to perform assigned administrative duties. The component commander shall establish the duties. Personnel shall be responsible to that commander or another person so designated.

### **1.140.020 Definitions**

- A. **Bureau:** The major organizational component of the department, characterized by more than one specialized function that is essential to the overall police service operation, under the direction and control of a Deputy Chief of Police.
- B. **Division:** The primary element part of the Office of Chief of Police, self-contained and capable of independent action in providing a specific function of the office, under the direction and control of a member subordinate only to the Chief of Police.
- C. **Section:** The primary element part of a division, performing one or more functional tasks of the division, under the direction and control of a member subordinate to the division commander.
- D. **Unit:** An element part of an element listed above, generally responsible for performing a specific and specialized task under the direct supervision of a member subordinate only to the commander of the component of which the unit is a part.

### **1.140.030 Executive Services Bureau**

#### **A. Objectives**

The primary objectives of the Executive Services Bureau shall be:

1. The continuous research of methods of administration, management, and operations in police service programs;
2. Supplying crime analysis products to component commanders so they can effectively allocate resources to address crime issues;
3. Ensuring the effective administration of the accreditation process.

**B. Organization**

The Executive Services Bureau shall be organized to include the following:

1. Strategic Development Division;
2. Planning/Grants Section;
  - a. Grants Unit
  - b. Accreditation/Policy Unit;
3. Crime Analysis Section
4. Quality Assurance Section

**1.140.040 Strategic Development Division**

**A. Duties and Responsibilities**

The commander of the Strategic Development Division shall be directly accountable to the Deputy Chief of the Executive Services Bureau for the proper administration, general management, and control of all matters related to the operation of that division and be generally governed by the same command duties and responsibilities, rules and regulations applicable to any other commanding officer of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the division;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the division;
4. Organizing, directing, and controlling all resources of the division, maintaining operations at a productive level, and making the command sufficiently flexible to ensure optimum performance;
5. Seeking the most qualified personnel to fill vacant positions in the division;
6. Formulating goals and objectives pertinent to the operation of the division on an annual basis;
7. Preparing and submitting budget estimates encompassing the total operation of the division; and

8. Performing other duties and discharging other responsibilities as may be assigned by the Deputy Chief of the Executive Services Bureau.

#### **1.140.050 Planning/Grants Section**

##### **A. Objectives**

1. The reviewing and analyzing of all available data to aid in the formulation of long and short range plans, the developing of policies and procedures and other regulations regarding the operation of the department;
2. The development and control of departmental forms, written directives, and other printed material as directed by the supervisor of the Strategic Development Division;
3. Updating and reviewing current departmental policies and procedures to ensure they reflect current operations and are consistent with best practices throughout the country;
4. The research and development of grant applications as well as the maintenance of all approved grants, preparing grant reports and evaluations.

##### **B. Organization**

The Planning/Grants Section shall be organized to include the following:

1. Section Commander;
2. Grants Unit;
3. Accreditation/Policy Unit;
4. Other personnel required for efficient operation.

##### **C. Duties and Responsibilities**

The commander of the Planning/ Grants Section shall be directly accountable to the supervisor of the Strategic Development Division for the proper administration, general management, and control of all matters related to the operation of the section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;
4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;
5. Ensuring that the section has access to all necessary information resources and when necessary, the Chief of Police;
6. Developing and presenting progressive concepts and practices in modern police administration and operations;
7. Researching and developing all grant applications in compliance with the guidelines established by the funding organization as well as the maintenance of all grants approved;
8. Disseminating analytical reports to appropriate components;
9. Designing and controlling all department report forms;
10. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and
11. Providing other services required for the good of the department and the community.

#### **1.140.060 Accreditation/Policy Unit**

##### **A. Objectives**

The primary objectives of the Accreditation/Policy Unit shall be:

1. To provide a means to increase department capabilities to prevent and control crime;
2. The enhancement of department effectiveness and efficiency in the delivery of law enforcement services;
3. To improve cooperation and coordination with other law enforcement agencies and other components of the criminal justice system; and
4. To increase citizen and employee confidence in the goals, objectives, policies, and practices of the department; and
5. The examination of proposed procedural/ policy changes to determine if they conflict with established policies and accreditation standards.

##### **B. Organization**

The Accreditation/Policy Unit shall be organized to include the following:

1. Unit supervisor; and
2. Other personnel required for efficient operation.

**C. Duties and Responsibilities**

The supervisor of the Accreditation/Policy Unit shall be directly accountable to the supervisor of the Planning/Grants Section for the proper administration, general management, and control of all matters related to the operation of that unit and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;
4. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;
5. Seeking the most qualified personnel to fill vacant positions in the unit;
6. The overall management of the accreditation process, including the updating of files and ensuring that all necessary reports are completed;
7. Communicating with the Commission on Accreditation for Law Enforcement Agencies (CALEA) staff and other agencies involved regarding the accreditation process;
8. Communicating with the Tennessee Law Enforcement Accreditation (TLEA) staff and other agencies involved regarding the accreditation process;
9. Remaining up to date on CALEA and TLEA standard changes;
10. Coordinating compliance with accreditation standards with other department components;
11. Formulating goals and objectives pertinent to the operation of the unit on an annual basis;
12. Ensuring all required reports are submitted in a prompt and timely manner;
13. Training new employees regarding the accreditation process;
14. Ensuring that all personnel are familiar with achieving accreditation and re-accreditation during the self-assessment phase of the process;
15. Ensuring that all personnel are familiar with accreditation and re-accreditation just prior to the on-site assessment; and



16. Providing other services required for the good of the department and the community.

#### **1.140.070 Crime Analysis Section**

##### **A. Objectives**

The primary objectives of the Crime Analysis Section shall be to produce information to improve police operations:

1. The collection, collation, and analysis of crime data within the jurisdiction of the department in order to identify crime patterns, trend correlations and suspect information to facilitate the effective deployment of departmental resources;
2. The dissemination of that analyzed crime information to the appropriate components;
3. The analysis of feedback in order to evaluate program effectiveness;
4. Developing and maintaining a special record file designed to provide analytical information concerning criminal matters, categorized by:
  - a. type of incidents
  - b. location and time of incidents
  - c. annual comparison statistics; and
5. To serve as the Department's subject matter expert on COMPSTAT Reporting and Crime Mapping.

##### **B. Organization**

The Crime Analysis Section shall be organized to include the following:

1. Section Manager; and
2. Other Crime Analysis personnel required for efficient operation.

##### **C. Duties and Responsibilities**

The manager of the Crime Analysis Section shall be directly accountable to the supervisor of the Strategic Development Division for the proper administration, general management, and control of all matters related to the operation of that Section and be generally governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the Crime Analysis Section;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the Crime Analysis Section;
4. Organizing, directing, and controlling all resources of the Crime Analysis Section, maintaining operations at a productive level, and making the Section sufficiently flexible to ensure optimum performance;
5. Seeking the most qualified personnel to fill vacant positions in the Section;
6. Remaining alert to the need for improved methods and techniques unique to the operations of the Crime Analysis Section;
7. The daily analysis of data concerning crime and other incidents to assist in the development and utilization of resources;
8. Ensuring that the department's reporting system is administered in accordance with current standards prescribed by the FBI's uniform crime reporting system;
9. Formulating goals and objectives pertinent to the operation of the Crime Analysis Section on an annual basis; and
10. Providing other services required for the good of the department and the community.

#### **1.140.080 Quality Assurance Section**

##### **A. Objectives**

The primary objectives of the Quality Assurance Section shall be to produce information to improve police operations:

1. The collection, collation, and analysis of crime data within the jurisdiction of the department in order to identify crime patterns, trend correlations and suspect information to facilitate the effective deployment of departmental resources;
2. The dissemination of that analyzed crime information to the appropriate components;
3. The analysis of feedback in order to evaluate program effectiveness;
4. Developing and maintaining a special record file designed to provide analytical information concerning criminal matters, categorized by:

- a. Type of incidents
- b. location and time of incidents
- c. annual comparison statistics; and

5. To serve as the Department's subject matter expert on COMPSTAT Reporting and Crime Mapping.

**B. Organization**

The Quality Assurance Section shall be organized to include the following:

1. Section Manager; and
2. Other Quality Assurance Section personnel required for efficient operation.

**C. Duties and Responsibilities**

The manager of the Quality Assurance Section shall be directly accountable to the supervisor of the Strategic Development Division for the proper administration, general management, and control of all matters related to the operation of that Section and be generally governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the Quality Assurance Section;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the Quality Assurance Section;
4. Organizing, directing, and controlling all resources of the Quality Assurance Section, maintaining operations at a productive level, and making the Section sufficiently flexible to ensure optimum performance;
5. Seeking the most qualified personnel to fill vacant positions in the Section;
6. Remaining alert to the need for improved methods and techniques unique to the operations of the Quality Assurance Section;
7. The daily analysis of data concerning crime and other incidents to assist in the development and utilization of resources;

8. Ensuring that the department's reporting system is administered in accordance with current standards prescribed by the FBI's uniform crime reporting system;
9. Formulating goals and objectives pertinent to the operation of the Quality Assurance Section on an annual basis; and
10. Providing other services required for the good of the department and the community.

## **1.150 Organizational Structure of the Support Services Bureau**

### **1.150.010 Generally**

- A. The purpose of this order is to describe the objectives, organizational structure, and the duties and responsibilities of the Support Services Bureau and all components that fall under the responsibility of that bureau.
- B. It is the policy of this department that each component shall be assigned the sworn and civilian personnel required to perform all duties. The component commander shall establish the duties. Personnel shall be responsible to that commander or another person so designated.

### **1.150.020 Definitions**

- A. **Bureau:** The major organizational component of the department, characterized by more than one specialized function that is essential to the overall police service operation, under the direction and control of a Deputy Chief of Police.
- B. **Division:** The primary element part of a bureau, self-contained and capable of independent action in providing a specific function of the bureau, under the direction and control of a member subordinate to the bureau commander.
- C. **Section:** The primary element part of a division, performing one or more functional tasks of the division, under the direction and control of a member subordinate to the division commander.
- D. **Unit:** A constituent part of an element listed above, generally responsible for performing a specific and specialized task under the direct supervision of a member subordinate only to the commander of the component of which the unit is a part.
- E. **Shift:** A predetermined or scheduled tour of duty, responsible for performing one or more functional tasks of a component during the specified time period, under the general supervision of a member subordinate only to the section or precinct commander.
- F. **Detail or Squad:** A small and subordinate part of any component that is assigned a particular task, under the supervision of a designated member.

## **1.150.030 Support Services Bureau**

### **A. Objectives**

The primary objectives of the Support Services Bureau shall be to provide the line or field services and facilities required to achieve the objectives of the department. The bureau shall engage in continuous research and planning to develop and maintain acceptable standards for meeting demands in:

1. The development of routine and specialized investigative procedures;
2. The development of routine and specialized procedures for traffic-related matters;
3. The development of other specialized services necessary to support patrol, traffic, and investigative efforts; and
5. The formulation of crime prevention programs.

### **B. Organization**

The Support Services Bureau shall be further organized into divisions, sections, and other such units to include the following:

1. Park Police Division
2. Custom Services Division;
  - A. Secondary Employment Section
  - B. Special Events Unit
  - C. MDHA Special Task Force
  - D. School Resource Officer Coordinator
  - E. Field Training Officer Unit
  - F. Special Investigations Surveillance Unit
3. Special Operations Section;
  - A. Emergency Contingency Section
    1. Emergency Contingency Unit
    2. Hazardous Devices Unit
    3. Urban Search and Rescue
  - B. School Crossing Section
  - C. Traffic Section
    1. Crash Investigation Unit
    2. D.U.I. Enforcement Unit
    3. Hit and Run Unit
    4. Aggressive Driving Unit
  - D. SWAT/Negotiators Section
    1. Crisis Negotiator Team
    2. Drill and Ceremony Team
    3. Special Response Tactical Unit
    4. Special Weapons and Tactics Team

- C. Tactical Operations Section
  - 1. Aviation Unit
  - 2. Canine Unit
  - 3. Mounted Patrol
- 4. Facilities Management Division;
  - A. Safety and Inspections Section
    - 1. Safety Unit
    - 2. Inspections Unit
    - 3. Court Appearance Unit
  - B. Property, Evidence, and Facilities Section;
    - 1. Property and Evidence
    - 2. Vehicle Impound Unit
    - 3. Facilities Security/Information Unit
  - C. Fleet Management Section;
- 5. Warrants Division;
  - A. Fugitives Unit
  - B. Warrants Unit
  - C. U.S. Marshal's Task Force

#### C. Duties and Responsibilities

The Deputy Chief of the Support Services Bureau shall be directly accountable to the Chief of Police for the proper administration, general management, and control of all matters related to the operation of that bureau and shall be governed by the same command duties and responsibilities and rules and regulation applicable to any other supervising officer. They shall include the following:

- 1. Maintaining liaison with all other elements of the department, allied agencies, and the community at large;
- 2. Serving as the representative of the department to any agency or community member concerned with the activities and operation of the Support Services Bureau;
- 3. Familiarization with the departmental policies and execution of a service program within the area of responsibility of the Support Services Bureau;
- 4. Preparing and submitting an annual budget for the Support Services Bureau;
- 5. Exercising control over all purchases and disbursements for the Support Services Bureau;
- 6. Seeking the most qualified personnel to fill vacant positions in all factions of the bureau;
- 7. Causing the inspection of public places and the enforcement of all laws;
- 8. Preparing and maintaining contingency plans for emergency or disaster situations;
- 9. The formulating of goals and objectives pertinent to the operation of the Support Services Bureau on an annual basis;

10. Causing the investigation of conditions adversely affecting the security, health, and welfare of the community;
11. Causing the enforcement of all laws, ordinances, and regulations through aggressive patrol action, traffic enforcement, crash investigation, and the investigation of criminal activities;
12. Analyzing data concerning crime, traffic, and other incidents to aid in the development, deployment, and utilization of resources; and
13. Performing such other duties and discharging such other responsibilities as may be assigned by the Chief of Police.

#### **1.150.040 Custom Services Division**

##### **A. Objectives**

The primary objectives of the Custom Services Division shall be to serve as the coordination and quality assurance element of the Special Events Unit, Secondary Employment Unit, School Resource, the Field Training Officer Programs, MDHA Special Task Force, and Special Investigations Surveillance Unit. This shall be done in the manner prescribed below:

1. Providing a safe and secure environment for all persons on school property by:
  - a. Acting as a resource with respect to delinquency prevention;
  - b. Providing guidance on ethical issues;
  - c. Providing individual counseling to students; and
  - d. Explaining the law enforcement role in society.
2. Developing and perpetuating programs designed to prevent and control juvenile delinquency;
3. Providing a standardized field-training program by:
  - a. Providing remedial training in those areas where the OIT/FTO has deficiencies;
  - b. Maintaining a rating system that is job-related, utilizing a standardized and systematic approach for the documented measurement of an OIT's performance;
  - c. Providing the Patrol FTO Board with observation and feedback of OIT performance in order to enhance the quality of the entire police-training program;
  - d. Providing continuous quality improvement based upon actual identified needs and assessment of OIT's job performance;
4. Secondary Employment
5. Special Events



## 6. Special Investigations and Surveillance

### B. Organization

The Custom Services Division shall be organized to include the following:

1. Special Events Coordinator
2. School Resource Unit;
3. D.A.R.E. Program;
4. G.R.E.A.T. Program;
5. Field Training Officer Unit;
6. Secondary Employment Section;
7. Special Events Unit;
8. MDHA Special Task Force;
9. Special Investigations Surveillance Unit
10. Other personnel necessary for efficient operation.

### C . Duties and Responsibilities

The commander of the Custom Services Division shall be directly accountable to the Deputy Chief of the Support Services Bureau for the proper administration, general management, and control of all matters related to the operation of that division and is generally governed by the same command duties and responsibilities, rules and regulations applicable to any other commanding officer. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department, allied agencies, and interested community groups;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the division;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the division;
4. Organizing, directing, and controlling all resources of the division, maintaining operations at a productive level, and making the division sufficiently flexible to ensure optimum performance;
5. Preparing and submitting an annual budget encompassing the total operation of the division;
6. Exercising control over all purchases and disbursements for the division;
7. Ensuring the enforcement of all applicable laws;
8. Seeking the most qualified personnel to fill positions in the division;
9. Developing roll call training programs pertinent to the various elements of the division;
10. Formulating goals and objectives pertinent to the operation of the division on an annual basis; and
11. Providing other services required for the good of the department and the community.

## **1.150.050 School Resource Officer Coordinator**

### **A. Objective**

The primary objectives of the School Resource Officer Coordinator shall be to:

1. Provide for a safe and secure environment for all persons on school property by:
  - a. Acting as a resource with respect to delinquency prevention;
  - b. Providing guidance to school administrators on ethical issues;
  - c. Providing individual counseling to students; and
  - d. Explaining the law enforcement role in society.
2. Develop and maintain effective crime control programs with emphasis on organizing citizens of the community in the common cause of reducing criminal activity; (D.A.R.E, G.R.E.A.T) ;
3. Promote positive influences on citizens of the community through the presentation of programs geared toward developing friendly and cooperative relationships with the department (D.A.R.E, G.R.E.A.T);
4. Develop and perpetuate programs designed to prevent and control juvenile delinquency (D.A.R.E, G.R.E.A.T); and
5. Ensure that all components and personnel are aware that the success of these programs depends on their participation and support (D.A.R.E, G.R.E.A.T).

### **B. Organization**

The School Resource Officer Coordinator shall be organized to include the following:

1. Section Commander (SRO Coordinator);
2. Precinct Unit Supervisor(s) (SRO Sergeant);
3. All DARE – certified SROs assigned to schools within the designated precinct;
4. All GREAT – certified SROs assigned to schools within the designated precinct; and
5. All officers assigned to school-based policing duties within the designated precinct.

### **C. Duties and Responsibilities**

The Precinct Unit Supervisor (SRO Precinct Coordinator) of the School Resource Officer Unit shall be directly accountable to the Supervisor of the Custom Services Division for the proper administration, general

management, and control of all matters related to the school-based policing operations of that precinct and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor. Assigned duties shall include:

1. Maintaining liaison with all other elements of the precinct, department, allied agencies, and interested community groups;
2. Serving as a representative of the department to any agency concerned with the school-based activities and operations of the precinct;
3. Familiarization with the administrative policies and execution of a service program within selected public schools of the precinct;
4. Organizing, directing, and controlling all school-based policing resources of the precinct, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;
5. Ensuring the enforcement of all applicable laws;
6. Ensuring assigned personnel depict a positive role model for students;
7. Serving as an advisor to the precinct commander on matters of school safety and security issues;
8. Ensuring that children in need receive referrals to the proper agencies;
9. Seeking the most qualified personnel to fill school-based policing positions in the precinct;
10. Formulating goals and objectives pertinent to the operation of the precinct's school based policing efforts on an annual basis; and
11. Providing other services required for the good of the department and the community.

#### **1.150.060 Drug Abuse Resistance Education (D.A.R.E.) Program**

##### **A. Objective**

As a subprogram of the School Resource Officer Unit, the primary objective of the Drug Abuse Resistance Education Program shall be to provide elementary school students with the knowledge and skills needed to recognize and resist pressures, which could influence them to experiment with alcohol and/or drugs.

##### **B. Organization**

The Drug Abuse Resistance Education Program shall be organized to include the following:

1. Precinct Program Supervisor(s) (SRO/DARE Sergeant);
2. All DARE – certified SROs assigned to schools within the designated precinct; and

3. Other personnel, as required, for efficient operation.

C. Duties and Responsibilities

The Precinct Unit Supervisor (SRO/DARE Sergeant) of the Drug Abuse Resistance Education Program shall be directly accountable to the Supervisor of the Custom Services Division for the proper administration, general management, and control of all matters related to the operation of that program and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of that program;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the program;
4. Organizing, directing, and controlling all resources of the program, maintaining operations at a productive level, and making the program sufficiently flexible to ensure optimum performance;
5. Providing guidance on ethical issues; [44.2.4(b)]
6. Formulating goals and objectives pertinent to the operation of the program on an annual basis;
7. Conducting graduation ceremonies to students who successfully complete the program; and
8. Providing other services required for the good of the department and the community.

**1.150.070 Gang Resistance Education and Training (G.R.E.A.T.) Program**

A. Objective

As a subprogram of the School Resource Officer Unit, the primary objective of the Gang Resistance Education and Training Program shall be to provide middle school students with the knowledge and skills needed to recognize and resist pressures, which could influence them to experiment with alcohol and/or drugs.

B. Organization

The Gang Resistance Education and Training Program shall be organized to include the following:

1. Precinct Unit Supervisor(s) (SRO/G.R.E.A.T Sergeant); and
2. All G.R.E.A.T – certified SROs assigned to schools within the designated precinct:
3. Other personnel, as required, for efficient operation.

C. Duties and Responsibilities

The Precinct Unit Supervisor (SRO/G.R.E.A.T Sergeant) of the Gang Resistance Education and Training Program shall be directly accountable to the supervisor of the Custom Services Division for the proper administration, general management, and control of all matters related to the operation of that program and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of that program;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the program;
4. Organizing, directing, and controlling all resources of the program, maintaining operations at a productive level, and making the program sufficiently flexible to ensure optimum performance;
5. Providing guidance on ethical issues;
6. Formulating goals and objectives pertinent to the operation of the program on an annual basis;
7. Conducting graduation ceremonies to students who successfully complete the program; and
8. Providing other services required for the good of the department and the community.

**1.150.080 Field Training Officer Unit**

A. Objectives

The primary objectives of the Field Training Officer Unit shall be to provide for:

1. A standardized field-training program.
2. Remedial training in those areas where the OIT/FTO has deficiencies.
3. Maintenance of a rating system that is job-related, utilizing a standardized and systematic approach for the documented measurement of an OIT's performance.
4. The Custom Services Bureau FTO Board with observation and feedback of OIT performance in order to enhance the quality of the entire police-training program.
5. To provide continuous quality improvement based upon actual identified needs and assessment of OIT's job performance.

**B. Organization**

The Field Training Officer Unit shall be organized to include the following:

1. Unit Supervisor (FTO Coordinator);
2. Field Training Officers; and
3. Other personnel necessary for efficient operation.

**C. Duties and Responsibilities**

The commander of the Field Training Officer Unit shall be directly accountable to the supervisor of the Custom Services Bureau for the proper administration, general management, and control of all matters related to the operation of that section and is generally governed by the same duties and responsibilities, rules and regulations applicable to any other commanding officer of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of that unit;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;
4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;
5. Providing guidance on ethical issues;
6. Formulating goals and objectives pertinent to the operation of the unit on an annual basis;
7. Maintaining a relationship with the Patrol FTO's in order to ensure the proper distribution of information regarding the progress of OIT's, professional development of OIT's as well as FTO's, proper evaluation of OIT's as well as FTO's and other relevant issues.; and
8. Providing other services required for the good of the department and the community.

**1.150.090 Surveillance & Technical Support Unit**

**A. Objective**

The primary objective of the Surveillance & Technical Support Unit shall be the investigation and surveillance of persons who commit crimes against persons and property.

## B. Duties and Responsibilities

The supervisor of the Surveillance & Technical Support Unit shall be directly accountable to the Commander of the Custom Services Division for the proper administration, general management, and control of all matters related to the operation of the unit and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Assisting elements of the MNPd with conducting video, audio and physical surveillance / tracking operations;
2. Maintaining liaison with all other elements of the department and allied agencies;
3. Serving as the representative of the department to any agency concerned with the activities and operations of the unit;
4. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit flexible to ensure optimum performance;
5. Assisting the commander of the Custom Services Division in the analysis of crime and incident data;
6. Assigning personnel in order to most effectively meet the needs of the department;
7. Remaining available to other department components in order to achieve common objectives;
8. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and
9. Performing other services required for the good of the department and the community.

### **1.150.100 Special Operations Division**

#### A. Objectives

The primary objectives of the Special Operations Division shall be to:

1. Provide for the development and implementation of procedures to gather, evaluate and develop training plans related to unusual occurrences and special operations related to civil disorders, urban search and rescue missions, homeland security operations and any other special situation as required;
2. Provide for the development and implementation of procedures to be used for identifying and disposing of explosive devices and materials;
3. Development and maintenance of an effective school traffic safety program;
4. Provide for the deployment of special weapons and tactics in support of line elements where there is an actual or apparent need;
5. Provide a supportive element of specially trained negotiators in

- actions dealing with but not limited to situations such as hostage situations, barricaded persons, suicide threats, terrorist acts, etc.;
6. Development and maintenance of highly trained canine teams capable of assisting enforcement and investigative efforts in accomplishing department objectives;
  7. Development and maintenance of an aerial reconnaissance and/or surveillance support service capable of assisting enforcement and investigative efforts in accomplishing department objectives;
  8. Provide for the investigation of traffic crashes in order to identify causes, time, location, and other factors that will aid in the development of crash prevention programs;

**B. Organization**

The Special Operations Division shall be organized to include the following:

1. Division Commander;
2. Emergency Contingency Section;
3. School Crossing Section;
4. SWAT/Negotiators Section;
5. Tactical Operations Section; and
6. Traffic Section.

**C. Duties and Responsibilities**

The commander of the Special Operations Division shall be directly accountable to the Deputy Chief of the Support Services Bureau for the proper administration, general management, and control of all matters related to the operation of that division and is generally governed by the same command duties and responsibilities, rules and regulations applicable to any other supervising officer. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department, allied agencies, and interested community groups;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the division;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the division;
4. Organizing, directing, and controlling all resources of the division, maintaining operations at a productive level, and making the division sufficiently flexible to ensure optimum performance;
5. Preparing and submitting an annual budget encompassing the total operation of the division;
6. Exercising control over all purchases and disbursements for the division;
7. Ensuring the enforcement of all applicable laws;



8. Seeking the most qualified personnel to fill positions in the division;
9. Developing roll call training programs pertinent to the various elements of the division;
10. Formulating goals and objectives pertinent to the operation of the division on an annual basis; and
11. Providing other services required for the good of the department and the community.

#### **1.150.110 Emergency Contingency Section**

##### **A. Objectives**

The primary objectives of the Emergency Contingency Section shall be to:

1. Provide Chemical, Biological, Radiological, Nuclear and Explosive material education, equipment management, contingency plan development and mitigation operations to support the mission of the Metropolitan Nashville Police Department.
2. Provide support in the areas of explosive disposal and search, the development of evacuation and search plans in support of homeland security efforts, teach law enforcement officers improvised explosive recognition, investigate all incidents of commercial and improvised explosives, and investigate reported bomb threats.
3. Provide vulnerability and threat assessments for critical infrastructure and key resource facilities and events within Davidson County. Develop recommended solutions to identified problems and methods to harden the facility of interest within Davidson County from possible terrorist attack.
4. Provide training and establish response and management protocols for critical incidents. This includes test and evaluation of all tactical response equipment to include the purchase, issue, maintenance, and management of all personal protective equipment that is utilized by the department.
5. Provide for the development and implementation of procedures to update and maintain the School Contingency Plans and other site surveys related to other designated facilities of interest.
6. Provide for the development and implementation of procedures to gather, evaluate and develop training plans related to unusual occurrences and special operations related to civil disorders, urban search and rescue missions, homeland security operations and any other special situation as required.
7. Provide and conduct training related to Law Enforcement Incident Command and Emergency Response Exercises as required.

**B. Organization**

The Emergency Contingency Section shall be organized to include the following:

1. Section Supervisor;
2. Unit Supervisors; and
3. Other personnel required for efficient operation.

**C. Duties and Responsibilities**

The supervisor of the Emergency Contingency Section shall be directly accountable to the supervisor of the Special Operations Division for the proper administration, general management, and control of all matters related to the operation of the division and is generally governed by the same command duties and responsibilities, rules and regulations applicable to any other supervising officer of the department. Assigned duties shall include:

1. The development and maintenance of an extensive training program, to include tabletop exercises, designed to improve the capabilities of all sworn personnel in the awareness, response and management of critical incidents related to civil unrest or biological/chemical hazards;
2. The development and maintenance of an extensive program designed to train sworn personnel in the safe use and care of civil disturbance and/or chemical protective equipment;
3. The development and management of an extensive training program designed to train applicable personnel in Urban Search And Rescue (USAR) operations;
4. The development and management of applicable OSHA regulations related to bio/chem protective equipment;
5. The development and maintenance of an assessment program designed to identify facilities requiring site surveys to support department contingency planning activities;
6. The development and maintenance of a contingency information system to inform all sworn personnel and allied agencies of homeland security issues;
7. Providing liaison to other local, state and federal agencies on issues relating to homeland security.

**1.150.120 Hazardous Devices Unit**

**A. Objectives**

The primary objective of the Hazardous Devices Unit shall be to:

1. Provide for the development and implementation of procedures to

be used for identifying and disposing of explosive devices and materials.

**B. Organization**

The Hazardous Devices Unit shall be organized to include the following:

1. Unit Supervisor; and
2. Other personnel required for efficient operation.

**C. Duties and Responsibilities**

The supervisor of the Hazardous Devices Unit shall be directly accountable to the supervisor of the Emergency Contingency Section for the proper administration, general management, and control of all matters related to the operation of that section and is generally governed by the same command duties and responsibilities, rules and regulations applicable to any other supervising officer of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;
4. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;
5. Remaining alert to the need for improved methods and techniques unique to the operations of the unit;
6. Notifying commanders in geographic areas in which members of the unit will be operating;
7. Providing for the continuous training and improvement of all personnel assigned to the unit;
8. Causing the investigation of all matters related to CBRNE materials (Chemical, Biological, Radiological, Nuclear and Explosive);
9. Providing for the maintenance of all equipment necessary for the efficient operation of the unit;
10. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and
11. Providing other services required for the good of the department and the community.

## **1.150.130 Emergency Contingency Unit**

### **A. Objectives**

The primary objectives of the Emergency Contingency Unit shall be to:

1. Review, prepare and present national best practices training and/or monitoring of an extensive training program, to include tabletop exercises, designed to improve the capabilities of all sworn personnel in the awareness, response and management of critical incidents related to civil unrest or CBRNE hazards.
2. The training and/or monitoring of an extensive program designed to train sworn personnel in the safe use and care of civil disturbance and/or personal protective equipment (PPE)
3. The management and maintenance of applicable OSHA regulations related to personal protective equipment and riot control gear.
4. The management and maintenance of an assessment program designed to identify facilities requiring site surveys to support department contingency planning activities.
5. Provide CBRNE mitigation management assistance.
6. Maintain and operate the department's watercraft

### **B. Organization**

The Emergency Contingency Unit shall be organized to include the following:

1. Unit Supervisor; and
2. Other personnel required for efficient operation.

### **C. Duties and Responsibilities**

The supervisor of the Emergency Contingency Unit shall be directly accountable to the supervisor of the Emergency Contingency Section for the proper administration, general management, and control of all matters related to the operation of that section and is generally governed by the same command duties and responsibilities, rules and regulations applicable to any other supervising officer of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;
4. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit

- sufficiently flexible to ensure optimum performance;
- 5. Remaining alert to the need for improved methods and techniques unique to the operations of the unit;
- 6. Notifying commanders in geographic areas in which members of the unit will be operating;
- 7. Providing for the continuous training and improvement of all personnel assigned to the unit;
- 8. Assist in the investigation of all matters related to CBRNE materials and post blast investigations.
- 9. Providing for the maintenance of all equipment necessary for the efficient operation of the unit;
- 10. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and
- 11. Providing other services required for the good of the department and the community.

#### **1.150.140 School Crossing Section**

##### **A. Objective**

The primary objective of the School Crossing Section shall be the development and maintenance of an effective school traffic safety program.

##### **B. Organization**

The School Crossing Section shall be organized to include the following:

- 1. Section Supervisor; and
- 2. Other personnel necessary for efficient operation.

##### **C. Duties and Responsibilities**

The Supervisor of the School Crossing Section shall be directly accountable to the Supervisor of the Special Operations Division for the proper administration, general management, and control of all matters related to the operation of that section and is generally governed by the same supervisory duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

- 1. Maintaining liaison with all other elements of the department and allied agencies;
- 2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;
- 3. Familiarization with the administrative policies and execution of service program within the area of responsibility of the section;

4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;
5. Remaining alert to the need for improved methods and techniques unique to the operations of the section;
6. Seeking the most qualified personnel to fill vacant positions in the section;
7. Working in cooperation with school officials to determine the most efficient use of personnel;
8. Maintaining attendance and performance records of personnel;
9. Conducting child safety programs for interested groups, emphasizing student education for the reduction of crashes; [64.1.6]
10. Providing for the continued training and improvement of school crossing guards;
11. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and
12. Providing other services required for the good of the department and the community.

#### **1.150.150 Special Weapons and Tactics Team**

##### **A. Objective**

The primary objective of the Special Weapons and Tactics Team shall be to provide for the deployment of special weapons and tactics in support of line elements where there is an actual or apparent need such as high-risk and unusual events. Such supportive actions shall include but not be limited to:

1. Neutralizing the efforts of barricaded persons;
2. Combating sniper actions;
3. Counter-acting hostage situations;
4. Expediting high-risk arrests;
5. Protecting dignitaries;
6. Search and rescue operations;
7. Tactical narcotics enforcement;
8. Providing training in SWAT tactics to other law enforcement agencies; and
9. Providing support in other unusual situations as deemed necessary by the Chief of Police.

##### **B. Special Response Tactical Unit (SRT)**

The primary objective of the SRT unit is to provide a unit of SWAT trained and equipped personnel to actively pursue violent high-risk criminals who challenge the quality of life of the residents in Nashville and to provide a safer response to high-risk and unusual situations in

the community. The SRT unit will have primary responsibility of:

1. Aggressively pursuing violent felons who are repeat violent offenders or difficult to find and/or arrest, by tracking down, apprehending and then serving their outstanding arrest warrants.
2. Aggressively pursuing violent felons by serving high-risk search and arrest warrants.
3. Providing the department with a team of tactical officers to assist in high-risk preplanned actions.

#### C. Organization

The SWAT Team shall be organized to include the following:

1. Section Supervisor;
2. Emergency Unit;
3. Deliberate Unit;
4. Marksmen Unit;
5. Technical Unit;
6. Special Response Tactical Unit (SRT); and
7. Other personnel required for efficient operation.

#### C. Duties and Responsibilities

The Supervisor of the SWAT Section shall be directly accountable to the Commander of the Special Operations Division for the proper administration, general management and control of all matters related to the operation of the section and shall be governed by the same duties and responsibilities and rules and regulations applicable to any other commander of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department, and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;
3. Familiarization with the administrative policies and execution of a service program within the areas of responsibility of the section;
4. Organizing, directing, and controlling all the resources of the section, maintaining operations at a productive level, and making the section flexible to ensure optimum performance;
5. Seeking the most qualified personnel to fill positions in the section;
6. Formulating goals and objectives pertinent to the operation of the section on an annual basis;
7. Remaining alert to the need for improved methods and techniques unique to the operations of the section; and
8. Providing other services required for the good of the department and the community.

## **1.150.160 Crisis Negotiator Team**

### **A. Objective**

The primary objective of the Crisis Negotiator Team shall be to provide a supportive element of specially trained negotiators in actions dealing with but not limited to:

1. Hostage situations;
2. Barricaded persons;
3. Suicide threats;
4. Terrorist acts;
5. Heavy arrest situations when requested;
6. Providing training in crisis negotiations to other law enforcement agencies; and
7. Providing support in other situations as deemed necessary by the Chief of Police.

### **B. Organization**

The Crisis Negotiator Team shall be organized to include the following:

1. Unit Commander;
2. Field Commander;
3. Team Leaders; and
4. Other personnel required for efficient operation.

### **D. Duties and Responsibilities**

The Supervisor of the Crisis Negotiator Team shall be directly accountable to the Commander of the Special Operations Division for the proper administration, general management and control of all matters related to the operation of the unit and shall be governed by the same duties and responsibilities and rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department, and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;
3. Familiarization with the administrative policies and execution of a service program within the areas of responsibility of the section;
4. Organizing, directing, and controlling all the resources of the section, maintaining operations at a productive level, and making the section flexible to ensure optimum performance;
5. Seeking the most qualified personnel to fill positions in the section;



- Formulating goals and objectives pertinent to the operation of the unit on an annual basis;
- 6. Remaining alert to the need for improved methods and techniques unique to the operations of the section; and
- 7. Providing other services required for the good of the department and the community.

#### **1.150.170 Tactical Operations Section**

##### **A. Objectives**

The primary objectives of the Tactical Operations Section will be to provide for:

- 1. The development and maintenance of highly trained canine teams capable of assisting enforcement and investigative efforts in accomplishing department objectives;
- 2. The development and maintenance of a hazardous device component for identifying and disposing of explosive devices and materials;
- 3. The development and maintenance of a water support service program for search and rescue operations as well as the enforcement of all water related laws and ordinances; and
- 4. The development and maintenance of an aerial reconnaissance and/or surveillance support service capable of assisting enforcement and investigative efforts in accomplishing department objectives.

##### **B. Organization**

The Tactical Operations Division shall be organized to include the following:

- 1. Section Supervisor;
- 2. Aviation Unit;
- 3. Canine Section; and
- 4. Mounted Patrol Unit
- 5. Other personnel required for efficient operation.

##### **C. Duties and Responsibilities**

The supervisor of the Tactical Operations Section shall be directly accountable to the supervisor of the Special Operations Division for the proper administration, general management, and control of all matters related to the operation of the Section and is generally governed by the same command duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;
4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the command sufficiently flexible to ensure optimum performance;
5. Preparing and submitting an annual budget encompassing the total operation of the section;
6. Exercising control over all purchases and disbursements for the section;
7. Causing the general inspection of public places in the community to ensure compliance with applicable laws;
8. Causing the investigation of conditions adversely affecting the security, health, and welfare of the community;
9. Formulating goals and objectives pertinent to the operation of the section on an annual basis;
10. Developing roll call training programs pertinent to the various elements of the section; and
11. Performing other services required for the good of the department and the community.

#### **1.150.180 Aviation Unit**

##### **A. Objectives**

The primary objectives of the Aviation Unit shall be to provide for:

1. Aerial reconnaissance and/or surveillance of someone or something within the scope of police authority; and
2. Transportation of other authorized persons for official law enforcement purposes.

##### **B. Organization**

The Aviation Unit shall be organized to include the following:

1. Unit Supervisor; and
2. Other personnel necessary for efficient operation.

##### **C. Duties and Responsibilities**

The supervisor of the Aviation Unit shall be directly accountable to the supervisor of the Tactical Operations Section for the proper administration, general management, and control of all matters related to the operation of that Unit and is generally governed by the same

command duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;
4. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;
5. Administering programs that provide for biannual flight instruction and safety in accordance with the Federal Aviation Authority;
6. Assuring proper maintenance of all aircraft and related equipment;
7. Causing records to be developed, processed, and maintained in accordance with applicable rules of all governing agencies;
8. Scheduling air patrol missions over designated areas to locate actual or potential law enforcement problems;
9. Causing a prompt response to any authorized request for assistance;
10. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and
11. Providing other services required for the good of the department and the community.

#### **1.150.190 Canine Unit**

##### **A. Objectives**

The primary objectives of the Canine Unit shall be to provide for:

1. The apprehension of persons who have committed certain serious felonies;
2. The tracking of suspects who have committed certain serious felonies and fled the scene of the crime;
3. The searching of large areas for lost or abandoned property and hidden implements of a crime including explosive devices;
4. The patrolling, as a deterrent, of areas in the community having a high rate of serious crimes; and
5. Conducting searches for individuals when there is a need to locate them quickly.

##### **B. Organization**

The Canine Unit shall be organized to include the following:

1. Unit Supervisor; and

2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Canine Unit shall be directly accountable to the supervisor of the Tactical Operations Section for the proper administration, general management, and control of all matters related to the operation of that unit and is generally governed by the same command duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;
4. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;
5. Causing strict compliance with all regulations applicable to the safety and welfare of canine teams;
6. Monitoring requests for canine services;
7. Causing the continuous training of canine teams according to guidelines set by the United States Police Canine Association;
8. Causing the testing of canine teams on a regular basis to ensure proficiency;
9. Removing from service any canine team that cannot meet established standards;
10. Purchasing and maintaining all canine supplies and equipment;
11. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and
12. Providing other services required for the good of the department and the community.

**1.150.200 Mounted Patrol Unit**

A. Objectives

The primary objectives of the Mounted Patrol Unit will be to provide for:

1. Obtaining the highest deterrent to crime through visibility, utilization and response;
2. Developing a good rapport with the community by providing demonstrations, attending parades, and being overall goodwill ambassadors for both the department and the city.
3. Providing other sections who request the unit with an effective response;

4. Crowd control to deter or address a situation of civil disorder

**B. Organization**

The Mounted Patrol Unit shall be organized to include the following:

1. Unit Supervisor;
2. Other personnel required for efficient operation.

**C. Duties and Responsibilities**

The supervisor of the Mounted Patrol Unit shall be directly accountable to the supervisor of the Tactical Operations Section for the proper administration, general management, and control of all matters related to the operation of the unit and is generally governed by the same command duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;
4. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;
5. Causing strict compliance with all regulations applicable to the safety and welfare of mounted teams;
6. Monitoring requests for mounted services;
7. Causing the continuous training of mounted teams according to guidelines set by the mounted unit supervisor;
8. Causing the testing of mounted teams on a regular basis to ensure proficiency;
9. Removing from service any mounted team that cannot meet established standards;
10. Purchasing and maintaining all mounted supplies and equipment;
11. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and
12. Providing other services required for the good of the department and the community.

**1.150.210 Traffic Section**

**A. Objectives**

The primary objectives of the Traffic Section will be to provide for:

1. The investigation of traffic crashes in order to identify causes, time, location, and other factors that will aid in the development of crash prevention programs;
2. The development and maintenance of a selective enforcement program designed to stop traffic law violations;
3. The identification of traffic problem areas;
4. The development and maintenance of a traffic information system to inform all interested agencies of traffic problems and promote safety; and
5. The development and maintenance of a traffic data analysis unit to provide information pertinent to the deployment of department resources.

**B. Organization**

The Traffic Section shall be organized to include the following:

1. Section Supervisor;
2. Crash Investigation Unit;
3. Hit & Run Unit;
4. DUI Enforcement Unit;
5. Aggressive Driving Unit; and
6. Other personnel required for efficient operation.

**C. Duties and Responsibilities**

The supervisor of the Traffic Section shall be directly accountable to the Commander of the Special Operations Division for the proper administration, general management, and control of all matters related to the operation of the section and is generally governed by the same command duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;
4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the command sufficiently flexible to ensure optimum performance;
5. Preparing and submitting an annual budget encompassing the total operation of the section;
6. Exercising control over all purchases and disbursements for the section;
7. Causing the general inspection of public places in the community to

- ensure compliance with applicable laws;
- 8. Causing the investigation of conditions adversely affecting the security, health, and welfare of the community;
- 9. Causing the enforcement of all laws, ordinances, and regulations through selective traffic enforcement, and crash investigation;
- 10. Causing the analysis of crime, traffic crash and enforcement reports to aid in the proper development, deployment, and utilization of resources;
- 11. Formulating goals and objectives pertinent to the operation of the section on an annual basis;
- 12. Developing roll call training programs pertinent to the various elements of the section; and
- 13. Performing other services required for the good of the department and the community.
- 14. Conducting meetings as the chairperson of the Traffic Crash Review Committee.

#### **1.150.220 Crash Investigation Unit**

##### **A. Objectives**

The primary objectives of the Crash Investigation Unit shall be to provide for:

- 1. The extensive investigation of traffic related crashes; and
- 2. The extensive enforcement and investigation of matters pertaining to vehicular and pedestrian traffic.

##### **B. Organization**

The Crash Investigation Unit shall be organized to include the following:

- 1. Unit Supervisor; and
- 2. Other personnel required for efficient operation.

##### **C. Duties and Responsibilities**

The supervisor of the Crash Investigation Unit shall be directly accountable to the Traffic Section supervisor for the proper administration, general management, and control of all matters related to the operation of that unit and is generally governed by the same supervisory duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

- 1. Maintaining liaison with all other elements of the department and allied agencies;

2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;
4. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;
5. Causing the enforcement of all traffic laws and ordinances;
6. Seeking to eliminate conditions that interfere with the safe and expeditious movement of both vehicular and pedestrian traffic;
7. Remaining alert to the need for improvement in traffic control;
8. Causing the reporting of defective traffic signs, signals, devices, and other safety hazards;
9. Causing the complete investigation of vehicular and pedestrian related crashes;
10. Causing the enforcement of all traffic related laws, ordinances, and regulations;
11. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and
12. Performing other services required for the good of the department and the community.

#### **1.150.230 Hit and Run Unit**

##### **A. Objectives**

The primary objectives of the Hit and Run Unit shall be to provide for the extensive investigation of traffic related crashes involving motor vehicles and pedestrians with emphasis on the apprehension and prosecution of offenders who leave the scene of a crash, fail to report a crash, or otherwise fail to satisfy legal requirements.

##### **B. Organization**

The Hit and Run Unit shall be organized to include the following:

1. Unit Supervisor; and
2. Other personnel required for efficient operation.

##### **C. Duties and Responsibilities**

The supervisor of the Hit and Run Unit shall be directly accountable to the Traffic Section supervisor for the proper administration, general management, and control of all matters related to the operation of that unit and is generally governed by the same supervisory duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:



1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;
4. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;
5. The enforcement of traffic laws and ordinances;
6. Seeking to eliminate conditions that interfere with the safe and expeditious movement of both vehicular and pedestrian traffic;
7. Remaining alert to the need for improvement in traffic control;
8. The complete investigation of all vehicular and pedestrian related crashes that involve a driver who left the scene;
9. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and
10. Performing other services required for the good of the department and the community.

#### **1.150.240 DUI Enforcement Unit**

##### **A. Objective**

The primary objective of the DUI Enforcement Unit shall be the processing of persons in traffic related arrests where alcohol is the dominating factor.

##### **B. Organization**

The DUI Enforcement Unit shall be organized to include the following:

1. Unit Supervisor; and
2. Other personnel required for efficient operation.

##### **C. Duties and Responsibilities**

The supervisor of the DUI Enforcement Unit shall be directly accountable to the Traffic Section supervisor for the proper administration, general management, and control of all matters related to the operation of that section and is generally governed by the same supervisory duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;

3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;
4. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;
5. Remaining alert to the need for improved methods and techniques unique to the operations of the unit;
6. The enforcement of all traffic laws and ordinances;
7. Providing for the administration of breath alcohol tests at the scene of incidents;
8. Providing for the processing of persons arrested for an alcohol related offense to determine their degree of impairment;
9. Providing for the maintenance of all breath alcohol testing equipment;
10. Providing for the establishment and maintenance of unit records depicting examinations and statistical data necessary for court appearances;
11. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and
12. Providing other services required for the good of the department and the community.

#### **1.150.250 Aggressive Driving Unit**

##### **A. Objective**

The objective of the Aggressive Driving Unit is to reduce the number of incidents of aggressive driving on the interstates and state routes in Davidson County. By reducing the number of incidents of aggressive driving, the safety of the motoring public will be enhanced and the number of crashes occurring will hopefully be reduced.

##### **B. Organization**

The Aggressive Driving Unit shall be organized to include the following:

1. Unit Supervisor; and
2. Other personnel required for efficient operation.

##### **C. Duties and Responsibilities**

The supervisor of the Aggressive Driving Unit shall be directly accountable to the Traffic Section supervisor for the proper administration, general management, and control of all matters related to the operation of that unit and is generally governed by the same supervisory duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;
4. Remaining alert to the need for improved methods and techniques unique to the operations of the unit;
5. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;
6. The enforcement of all traffic laws and ordinances;
7. Remaining alert to the need for improvement in traffic control;
8. Members of the unit will be charged with patrolling the interstates and state routes in Davidson County;
9. Unit members will proactively seek out drivers who are driving in an aggressive manner and violating the traffic laws of the Metropolitan Government and State of Tennessee;
10. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and
11. Providing other services required for the good of the department and the community.

#### **1.150.260 Facilities Management Division**

##### **A..Objectives**

The primary objectives of the Facilities Management Division shall be:

The storage and security of physical evidence and other property confiscated within the scope of police authority, and safeguard that property until it is disposed of according to law.

##### **B. Organization**

The Facilities Management Division shall be organized to include:

1. Division Commander;
2. Safety/Inspections Section;
3. Property and Evidence Section;
4. Facilities Security/Information Unit;
5. Police Vehicle Operations;
6. Supply Unit; and
7. Other personnel necessary for efficient operation.

##### **C. Duties and Responsibilities**

The commander of the Facilities Management Division shall be directly accountable to the commander of the Support Services Bureau for the proper administration, general management and control of all matters related to the operation of that division and shall be governed by the same duties and responsibilities and rules and regulations applicable to any other commander of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities of the division;
3. Organizing, directing, and controlling all the resources of the division, maintaining operations at a productive level, and making the command flexible to ensure optimum performance;
4. Exercising control over all purchases and disbursements for the division;
5. Seeking the most qualified personnel to fill positions in the division;
6. Conducting a quarterly inspection of the Property Section to ensure adherence to procedures for the control of property;
7. Consulting with other command personnel in order to prepare contingency plans for dealing with emergency or disaster situations;
8. Formulating goals and objectives pertinent to the operation of the division on an annual basis; and
9. Performing other duties and discharging other responsibilities that may be assigned by the commander of the Investigative Services Bureau.

**1.150.270    Safety, Inspections and Facility Security Section**

**A. Objectives**

The primary objectives of the Safety, Inspections and Facility Security Section shall be the processes of determining personnel performance of duty and compliance with rules, regulations, policies, procedures, and other directives of the department; and maintaining an effective program to ensure the security of department facilities.

**B. Organization**

The Safety, Inspections, and Facility Security Section shall be organized to include the following:

1. Section supervisor;
2. Safety Unit;
3. Inspections Unit;
4. Court Appearance Unit; and

5. Facilities Security / Information Unit.

C. Duties and Responsibilities

The supervisor of the Safety, Inspections, and Facility Security Section shall be directly accountable to the Commander of the Facilities Management Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same command duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;
4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the command sufficiently flexible to ensure optimum performance;
5. Seeking the most qualified personnel to fill vacant positions in the division;
6. Formulating goals and objectives pertinent to the operation of the section on an annual basis;
7. Preparing and submitting budget estimates encompassing the total operation of the section; and
8. Performing other duties and discharging other responsibilities as may be assigned by the supervisor of the Facilities Management Division.

**1.150.280 Safety Unit**

A. Objective:

The primary objectives of the Safety Unit will be the development and implementation of safety and security programs for department facilities; and the development and implementation of effective safety programs designed to identify and eliminate hazards detrimental to personnel safety.

B. Organization

The Safety Unit shall be organized to include the following:

1. Safety Coordinator; and
2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The supervisor of the Safety Unit shall be directly accountable to the supervisor of the Safety, Inspections, and Facility Security Section for the proper administration, general management, and control of all matters related to the operation of the unit and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;
4. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;
5. The development and maintenance of a comprehensive records system for processing all occupational injuries and illnesses sustained by department employees;
6. Formulating goals and objectives pertinent to the operation of the unit on an annual basis;
7. Ensuring compliance with federal and state law requirements, particularly as set forth in the Williams-Steiger Occupational Safety and Health Act (OSHA);
8. Causing a thorough examination of the circumstances, conditions, and extent of any occupational injury or illness sustained by an employee in order to determine what action or supplemental records may be required; and
9. Performing other services required for the good of the department and the community.

#### **1.150.290 Inspections Unit**

##### **A. Objectives**

The primary objectives of the Inspections Unit shall be:

The development and implementation of a staff inspections program designed to:

1. Determine the appearance, conduct, and duty performance of personnel and the condition of equipment and facilities;
2. Determine the manner that line personnel discharge their supervisory duties;
3. Determine the degree of compliance with department directives;
4. Conduct field inspections to determine the efficiency of field operations;
5. Evaluate department operating procedures and their effect; and
6. Recommend changes in department operations deemed necessary.

**B. Organization**

The Inspection Unit shall be organized to include the following:

1. Unit Supervisor; and
2. Other personnel required for efficient operation.

**C. Duties and Responsibilities**

The supervisor of the Inspections Unit shall be directly accountable to the supervisor of the Safety, Inspections, and Facility Security Section for the proper administration, general management, and control of all matters related to the operation of that Unit and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other commanding officer of the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;
4. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;
5. The inspection of personnel and reporting of any neglect, carelessness, or improper conduct;
6. The inspection of police property and equipment, procedures, and the results of police operations and the reporting of the results of the inspections;
7. The preparation of inspection reports designed to require accountability from commanding and supervisory personnel for the discharge of their duties and responsibilities;
8. Conducting inspections, in conjunction with the Accreditation unit, to determine compliance with accreditation standards. This shall include annual, quarterly and monthly reports/audits;
9. The review of reports from supervisory personnel;
10. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and
11. Providing other services required for the good of the department and the community.

**1.150.300 Court Appearance Unit**

**A. Objectives**

The primary objective of the Court Appearance Unit shall be to maintain a comprehensive program regarding court appearances by department personnel.

**B. Organization**

The Court Appearance Unit shall be organized to include the following:

1. Unit Supervisor; and
2. Other personnel required for efficient operation.

**C. Duties and Responsibilities**

The supervisor of the Court Appearance Unit be directly accountable to the supervisor of the Safety, Inspections, and Facility Security Section for the proper administration, general management, and control of all matters related to the operation of that unit and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;
4. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;
5. Assuring the attendance of personnel in all judicial proceedings by:
  - a. distributing subpoenas or otherwise making official notifications and maintaining records to document notifications; and
  - b. reporting to the section commander any person who fails to appear in court.
6. Approving compensation for appearances by department personnel;
7. Auditing court appearance compensation records;
8. Reporting personnel for non-compliance with the rules, regulations, policies, and procedures of the department;
9. Assigning traffic court dates for all uniformed police officers;
10. Appearing before the Grand Jury to present driver's license cases;
11. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and
12. Providing other services required for the good of the department and the community.

**1.150.310 Facilities Security / Information Unit**

**A. Objectives**



The primary objectives of the Facilities Security / Information Unit shall be to provide security at designated departmental facilities; and enforce parking regulations in and around those facilities.

**B. Organization**

The Facilities Security / Information Unit shall be organized to include the following:

1. Unit supervisor; and
2. Other personnel required for efficient operation.

**C. Duties and Responsibilities**

The supervisor of the Facilities Security / Information Unit shall be directly accountable to the supervisor of the Safety, Inspections, and Facility Security Section for the proper administration, general management, and control of all matters related to the operation of that unit and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the unit;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the unit;
4. Organizing, directing, and controlling all resources of the unit, maintaining operations at a productive level, and making the unit sufficiently flexible to ensure optimum performance;
5. Providing security for designated department facilities;
6. The security checks of department parking lots and enforcement of parking regulations in the campus complex;
7. Formulating goals and objectives pertinent to the operation of the unit on an annual basis; and
8. Providing other services required for the good of the department and the community.

**1.150.320 Property and Evidence Section**

**A. Objectives**

The primary objectives of the Property and Evidence Section shall be to provide and maintain an adequate storage facility for property found or confiscated within the scope of police authority; and safeguard that property until it is disposed of according to law.

**B. Organization**

The Property and Evidence Section shall be organized to include the following:

1. Section Supervisor; and
2. Other personnel required for efficient operation.

**C. Duties and Responsibilities**

The Property and Evidence Section Supervisor shall be directly accountable to the Commander of the Facilities Management Division for the proper administration, general management, and control of all matters related to the operation of that section and shall be governed by the same command duties and responsibilities and rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with the various elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;
3. Organizing, directing, and controlling all resources of the section;
4. Seeking the most qualified personnel to fill vacant positions in the section;
5. Causing items of evidence to be classified, labeled, and stored in a way to avoid contamination or damage;
6. Keeping informed of new methods and procedures for storing various types of property, giving special attention to the security of drugs;
7. Establishing internal procedures to ensure the security of all property left in the custody of the section;
8. Causing evidence needing laboratory analysis to be delivered to that facility and to be returned when analysis is complete;
9. Causing evidence no longer needed to be disposed of according to law;
10. The formulating of goals and objectives pertinent to the operation of the section on an annual basis; and
11. Providing other services required for the good of the department and the community.

**1.150.330 Vehicle Impound Section**

**A. Objectives**

The primary objectives of the Vehicle Impound Section shall be to provide and maintain an adequate storage facility for vehicles confiscated within

the scope of police authority; and safeguard the vehicles until they are disposed of according to law.

**B. Organization**

The Vehicle Impound Section shall be organized to include the following:

1. Section Supervisor; and
2. Other personnel required for efficient operation.

**C. Duties and Responsibilities**

The Vehicle Impound Section supervisor shall be directly accountable to the Commander of the Facilities Management Division for the proper administration, general management, and control of all matters related to the operation of that section and shall be governed by the same command duties and responsibilities and rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. Maintaining liaison with the various elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;
3. Organizing, directing, and controlling all resources of the section;
4. Establishing internal procedures to ensure the security of all vehicles left in the custody of the section;
5. Causing vehicles not claimed to be disposed of according to law;
6. The formulating of goals and objectives pertinent to the operation of the section on an annual basis; and
7. Providing other services required for the good of the department and the community.

**1.150.340 Fleet Management Section**

**A. Objectives**

The primary objectives of the Fleet Management Section shall be to maintain liaison with other elements of the department, the General Services Department, and other agencies concerned with motor vehicle fleet maintenance and related equipment to assure maximum utilization of department motor vehicle equipment at minimum cost.

**B. Organization**

The Fleet Management Section shall be organized to include the following:

1. Section Supervisor; and
2. Other personnel required for efficient operation.

C. Duties and Responsibilities

The Fleet Management Section supervisor shall be directly accountable to the Commander of the Facilities Management Division for the proper administration, general management, and control of all matters related to the operation of that section and shall be governed by the same command duties and responsibilities and rules and regulations applicable to any other supervisor of the department. Assigned duties shall include:

1. The development and execution of policies for procurement, control, and economical operation of the police motor vehicle fleet;
2. Being cognizant of developments in manufacturing to insure acquisition of the best motor vehicles and related equipment available for police service;
3. The maintenance, testing, programming, and general upkeep of all radio equipment, and inventory of issuance of MDC's;
4. Development and execution of a program of inspection and preventive maintenance toward improvement in efficiency and economy of fleet operations;
5. The correction of abuse or improper operation, which would damage or impair efficiency of motor vehicles and related equipment;
6. Coordinating repairs and maintenance with the Metropolitan Motor Pool, and other vendors;
7. Maintaining an accurate numbering system for all department vehicles;
8. Procuring, maintaining, and repairing the Bicycle Fleet; and
9. Performing other duties and discharging other responsibilities as may be assigned by the Supervisor of the Facilities Management Division.

**1.150.350 Warrants Division**

A. Objectives

The primary objectives of the Warrants Division shall be the extradition of persons wanted in Davidson County who are apprehended in other jurisdictions; the extradition of persons wanted in other jurisdictions who are apprehended in Davidson County; and the arrest of wanted persons.

B. Organization

The Warrant Division shall be organized to include the following:

1. Division Commander;
2. Warrants Section;
3. Fugitives Section;
4. U.S. Marshall's Task Force; and

4. Other personnel required for efficient operation.

#### C. Duties and Responsibilities

The commander of the Warrant Division shall be directly accountable to the Deputy Chief of the Support Services Bureau for the proper administration, general management, and control of all matters related to the operation of that Division and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other commander in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the division;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the division;
4. Organizing, directing, and controlling all resources of the division, maintaining operations at a productive level, and making the division sufficiently flexible to ensure optimum performance;
5. Seeking the most qualified personnel to fill vacant positions in the division;
6. Assigning personnel in order to most effectively meet the needs of the department;
7. Remaining available to other department components in order to achieve common objectives;
8. Providing for the continued training of all personnel assigned to the division;
9. Remaining alert to the need for improved methods and techniques unique to the operations of the division;
10. Providing for the entry and removal of persons wanted in Davidson County into the National Crime Information Center files;
11. Formulating goals and objectives pertinent to the operation of the division on an annual basis; and
12. Providing other services required for the good of the department and the community.

### **1.150.360 Warrants Section**

#### A. Objectives

The primary objectives of the Warrants Section shall be confirmation of criminal warrant files on a 24-hour basis; the arrest of wanted persons; and picking up and transportation of wanted individuals from other agencies.

#### B. Organization

The Warrant Section shall be organized to include the following:

1. Section Supervisor; and
2. Other personnel required for efficient operation.

**C. Duties and Responsibilities**

The supervisor of the Warrant Section shall be directly accountable to the commander of the Warrants Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;
4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;
5. Seeking the most qualified personnel to fill vacant positions in the section;
6. Assigning personnel in order to most effectively meet the needs of the department;
7. Remaining available to other department components in order to achieve common objectives;
8. Providing for the continued training of all personnel assigned to the section;
9. Remaining alert to the need for improved methods and techniques unique to the operations of the section;
10. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and
11. Providing other services required for the good of the department and the community.

**1.150.370 Fugitive Section**

**A. Objectives**

The primary objectives of the Fugitive Section shall be:

1. The extradition of persons wanted in Davidson County who are apprehended in other jurisdictions;

2. The extradition of persons wanted in other jurisdictions who are apprehended in Davidson County; and
3. The arrest of wanted persons.

**B. Organization**

The Fugitive Section shall be organized to include the following:

1. Section Supervisor; and
2. Other personnel required for efficient operation.

**C. Duties and Responsibilities**

The supervisor of the Fugitive Section shall be directly accountable to the commander of the Warrants Division for the proper administration, general management, and control of all matters related to the operation of that section and be generally governed by the same duties and responsibilities, rules and regulations applicable to any other supervisor in the department. Assigned duties shall include:

1. Maintaining liaison with all other elements of the department and allied agencies;
2. Serving as a representative of the department to any agency concerned with the activities and operations of the section;
3. Familiarization with the administrative policies and execution of a service program within the area of responsibility of the section;
4. Organizing, directing, and controlling all resources of the section, maintaining operations at a productive level, and making the section sufficiently flexible to ensure optimum performance;
5. Seeking the most qualified personnel to fill vacant positions in the section;
6. Assigning personnel in order to most effectively meet the needs of the department;
7. Remaining available to other department components in order to achieve common objectives;
8. Providing for the continued training of all personnel assigned to the section;
9. Remaining alert to the need for improved methods and techniques unique to the operations of the section;
10. Formulating goals and objectives pertinent to the operation of the section on an annual basis; and
11. Providing other services required for the good of the department and the community.

## **Title 2: Employee Welfare**

### **2.10 Substance Abuse Program**

Reference: Civil Service Commission Substance abuse Policy No. 6.1-II

**2.10.010** The purpose of this order is to provide all employees with notice of the provisions of the department's substance abuse testing program. The department has a legal responsibility and management obligation to ensure a safe work environment; as well as paramount interest in protecting the public by ensuring that its employees have the physical stamina and emotional stability to perform their assigned duties. A requirement for employment is an employee who is free from drug or alcohol dependence, illegal drug use, or drug or alcohol abuse.

This order states:

- A. Departmental policy relating to the use of alcohol, prescription drugs, illegal drugs, and the abuse of legally prescribed drugs by employees;
- B. Conditions under which a mandatory drug and/or alcohol testing examination will be required of an employee; and
- C. Substance abuse testing procedures.
- D. The authority for conducting these procedures.

### **2.10.020 Policy**

It is the policy of the Metropolitan Police Department to maintain a workplace that is free from the effects of drug and alcohol abuse. The Metropolitan Police Department insists on the highest standards of behavior from its employees to further our goal in providing the most professional police service possible to the citizens of Nashville-Davidson County. Moreover, police officers who are sworn to enforce the laws lose credibility and public confidence if they violate the very laws they are sworn to enforce. This confidence is further eroded by the potential for corruption created by illegal drug use. Employees of this department must always act in a manner that maintains the integrity and reputation of the department.



Specifically, it is the policy of this department that:

- A. It is prohibited for any employee to possess illegal controlled substance(s) on or off duty (except in the performance of his/her duties);
- B. It is prohibited for any employee to use alcohol or legal drugs in a manner which might interfere with or affect the employee's performance of duties;
- C. Any employee found in violation of these provisions may be subject to disciplinary action in accordance with departmental and/or Civil Service Rules;
- D. Employees will be subject to testing for alcohol and controlled substances as established in this policy; and
- E. In accordance with the Drug-Free Workplace Act of 1988, employees must notify the Chief of Police of any criminal drug statute conviction occurring in the workplace within five work days after the conviction.
- F. While the MNPd is guided by the United States Department of Transportation (USDOT) regulations as guidelines for its substance abuse testing procedures, the USDOT regulations do not control the specific drugs for which the employee may be tested, and the employee may be tested for any controlled substances and/or drugs and their metabolites deemed illegal pursuant to State and Federal statutes.
- G. Authority: The policies and procedures set out in this Order shall be implemented and carried out pursuant to the authority of the Rules and Policies of the Metropolitan Government Civil Service Commission, the policies and procedures of the Metropolitan Government Department of Human Resources, controlling state and federal law and the authority and responsibilities of the Chief of Police as set out in Section 8.203 of the Metropolitan Charter, as applicable to any or each of the provisions contained herein.

*(Category: Violation of Substance Abuse policy varies by severity of offense if not otherwise specified within this order.)*

### **2.10.030 Definitions**

For purposes of this policy the following definitions apply:

- A. **Accident:** An unplanned event that happens with no preparation or deliberate intent and may result in damage and/or injury.
- B. **Alcohol Use:** Consumption of any food or beverage, mixture, or preparation, including any medication containing alcohol.
- C. **Anabolic Steroid:** A group of hormones most commonly used to increase muscle mass, strength and promote tissue growth.
- D. **Authoritative Source:** Any employee who is responsible for the control, conduct or performance of any other employee.
- E. **Collection Site:** A designated place, approved by the Metropolitan Nashville Human Resources Division, where employees present themselves for the purpose of providing a test specimen to be analyzed for the presence of alcohol and/or drugs.
- F. **Collection Site Personnel:** A person at a collection site who receives the urine specimen provided by department personnel and/or conducts blood/breath alcohol testing. Such personnel shall be considered an authoritative source. Instructions from an authoritative source, as it pertains to this order, are defined in current departmental policy governing department.
- G. **Controlled Substances:** A drug which has been declared by federal or state law to be illegal for sale or use, but may be dispensed under a physician's prescription. A substance subject to the Controlled Substances Act (1970), which regulates the prescribing and dispensing, as well as the manufacturing, storage, sale, or distribution of substances assigned to schedules I through VII. A drug, substance, or precursor in Schedules I through VII of the Tennessee Code Annotated.
- H. **Department Substance Abuse Coordinator:** A member of the department who has been appointed by the Chief of Police and serves as a manager of substance abuse training, substance abuse testing, and reporting the results of substance abuse testing on behalf of the department.

- I. **Drug:** A drug is:
1. A substance used in the diagnosis, treatment, or prevention of a disease or as a component of a medication; or
  2. Such a substance as recognized or defined by the U.S. Food, Drug, and Cosmetic Act; or
  3. A chemical substance, such as a narcotic or hallucinogen, which may affect the central nervous system and may cause changes in behavior and often addiction.
- J. **Drug Test:** The compulsory production and submission of specimens by an employee in accordance with department and Metropolitan Government procedures, for chemical analysis to detect prohibited drug or alcohol usage. For the purpose of this order “drug test” can be used interchangeably with “substance abuse test”.
- K. **Illegal Drug:** Any drug for which possession and/or use is prohibited by law.
- L. **Illegal Drug Use:** As used herein, illegal use of drugs shall include the illicit use, procurement, possession, distribution, or delivery of narcotics or controlled substances.
- M. **Medical Review Officer (MRO):** A licensed physician responsible for receiving laboratory results generated by an employer’s drug testing program who has knowledge of substance abuse disorders and has the appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with his/her medical history and any other relevant biomedical information.
- N. **Reasonable Suspicion:** Reasonable suspicion is a level or standard of proof that is less than probable cause but more than a mere hunch or belief. Reasonable suspicion must be based on specific and articulable facts and circumstances which, taken together with rational inferences a trained supervisor may draw in light of his or her experience, would lead a reasonable and trained supervisor to believe that certain conduct has been or is being committed. These facts and circumstances may include, but are not limited to, credible reports from others, observations, appearance, behavior, action(s), conduct and/or speech or odors. Reasonable suspicion is ‘articulable suspicion’ or a suspicion for which reasons can be articulated or explained. For the purpose of this Order it is a suspicion of illegal drug use, or the

impermissible use of alcohol, based on reasons that can be articulated or explained.

- O. **Reasonable Suspicion Testing:** An employee is subject to reasonable suspicion testing when, after review of the specific facts and circumstances in a particular employee's case, a trained supervisor concludes that there exists a reasonable suspicion that an employee has engaged or is engaging in conduct prohibited under established policy.
- P. **Safety Sensitive Employee:** Employees who are responsible for the health, safety and welfare of the general public and their fellow employees. The MNPd further defines those employees to also include security and related law enforcement positions where an employee is authorized by the department to carry a firearm, or for the security of property, evidence or confidential information collected by law enforcement personnel. This shall also include those who have access to areas in which property, evidence or confidential information may be stored. The list of safety sensitive employees, as authorized by the MNPd substance abuse coordinator, is maintained by the Safety Office and reviewed annually for consistency by assignment. The list will be reviewed and approved annually by the executive staff of the MNPd.
- Q. **Substance Abuse:** The use of any illegal substance, of a legal substance in excess of the recommended dosage, of the legal substance prescribed for another person, or of alcohol to the point of impairment. This shall also include the use of prescription drugs outside of their intended use or inconsistent with the purpose and direction under which they were originally prescribed.
- R. **Trained Supervisor:** Any MNPd employee that has been promoted or appointed to a supervisory position after undergoing all prerequisite training and testing required for such position. Additionally, such training shall be designed to teach supervisors how to identify and document substance abuse among employees, and to familiarize them with the controlled substances testing program, provisions of this policy, and related laws. Such training shall be provided no less frequently than required by Civil Service Policy, Section 6.1. Said agreement shall be retained by the Strategic Development Division in conjunction with this policy.

## 2.10.040 Departmental Procedures and Rules

### A. Prohibited Activity

The following rules shall apply to **all** applicants, probationary employees, civilian employees, and sworn employees, while on and off duty:

1. **The illegal use of drugs is a crime which shall not be tolerated among employees of the department.** The recreational or experimental use of any illegal drug or controlled substance by an employee is prohibited. No employee shall be on duty while under the influence of intoxicants or drugs. An employee shall report for duty and remain free from the influence and odor of intoxicants and/or drugs while on duty. (*Category AA*)
2. The consumption or purchasing of alcoholic beverages while on duty and/or while in uniform and/or while otherwise identified as a Metropolitan Nashville Police Officer, is prohibited.
  - a. The consumption of alcoholic beverages while on duty, in any amount, is prohibited. (*Category B-AA*)
  - b. The purchase of alcoholic beverages while in uniform is prohibited, whether on duty or off duty. (*Category D-C*)
  - c. The purchase of alcoholic beverages while on duty is prohibited. (*Category D-C*)
  - d. The purchase of alcoholic beverages while wearing or displaying, in any manner, any item or article identifying the purchaser as a law enforcement officer or a member of the Metropolitan Nashville Police Department is prohibited. (*Category D-C*)
3. No employee shall illegally possess or illegally ingest any controlled substance. (*Category AA*)
4. Employees shall not ingest any controlled or other dangerous substance, unless prescribed specifically for that employee by a licensed medical practitioner and only in accordance with the directions of the prescribing practitioner for the condition or/injury for which it was originally prescribed. (*Category B-AA*)
5. The non-medical use and associated abuse of prescription medications and performance enhancing drugs, as well as the use,

possession, and/or distribution of illegal drugs is unacceptable and prohibited by this policy as is the use of masking agents or diuretics taken to conceal or obscure the use of prohibited drugs.

*(Category B-AA)*

- a. Employees may receive a prescription drug, acquire an over-the-counter drug, dietary aid, or mood/performance enhancing substance which carries warnings that must be considered. Members should discuss these warnings with their physician along with their job tasks and duties to ensure that their performance is not affected nor the safety of the employee or others. *(Category B-AA)*
  - b. Performance enhancing substances may also have significant warning label concerns that employees should understand. Performance enhancing drugs are any substances taken to increase a particular skill-set. These substances may not only be steroids, but include many items available over the counter and even in health food type stores. *(Category A-AA)*
6. No employee shall report for duty after they have ingested any alcohol or medication which would impair the employee's ability to perform his/her duties. *(Category: Violation varies by severity of offense)*
  7. Any employee who intentionally ingests, or is made to ingest a controlled substance or illegal drug shall immediately report the incident to their supervisor so that appropriate medical steps may be taken to ensure the employee's health and safety and compliance with this policy. *(Category A)*
  8. Any employee having a reasonable basis to believe that another employee is illegally using, or is in possession (except in the performance of his/her duties) of any illegal drug or controlled substance shall immediately report the facts and circumstances to a department supervisor in his/her chain of command. The supervisor shall then compile all available facts and report these facts to his/her chain of command and to the department Substance Abuse Program Administrator.

A decision will then be made as to whether enough evidence exists to have the employee tested for substance abuse as provided in Article 2.10.070.

*(Violation of this provision may be charged up to and including the category of the underlying offense not reported.)*

**B. Mandatory Participation in the Program**

1. In order to provide for the protection of the department and the well-being of the employees, the department shall have the right and authority to require employees to submit to substance abuse testing.
2. Participation in the substance abuse program is mandatory. Employees will be required to keep their scheduled appointment and participate in the screening program before being excused from their tour of duty.
3. No action which interferes with the integrity of the process will be tolerated. Any employee found guilty of disobeying any instruction related to this procedure, or in any way providing a false or adulterated sample will be subject to disciplinary action which may result in dismissal. Refusal to submit to or avoidance of drug screening by employees will result in immediate suspension and implementation of dismissal procedures. (*Category A*)

**2.10.050 Persons Tested**

Safety Sensitive Employees are subject to all testing set forth in Articles 2.10.060 and 2.10.070 below. In addition, Safety Sensitive Employees may also be required to submit to testing as a condition of continued employment in each of the following circumstances:

- A. An employee is scheduled to submit to a department-ordered psychological evaluation, or physical examination;
- B. Upon application to specialized units within the department, or when subject to promotion (when notice has been given that a substance abuse examination is required); or
- C. An employee is returning to the department after an absence of thirty (30) days or more:
  1. From a leave of absence or suspension; and/or
  2. Pursuant to an order by the Chief of Police; and/or
  3. To be re-employed or re-hired.

### **2.10.060 Required Test**

- A. The following personnel are subject to testing for alcohol, illegal drugs and controlled substances.
  - 1. Pre-Employment - All applicants for safety sensitive positions shall be required to submit to drug testing prior to employment. Persons refusing such test will not be permitted to continue the hiring process. Tests will be conducted after a provisional offer of employment has been made.
  - 2. Provisional Employees - Provisional safety sensitive employees are required to submit to a drug test before performing a health and safety function for the first time.
  - 3. Probationary Employees - All safety sensitive probationary employees shall be required, as a condition of employment, to participate in any mandatory drug test that may be required (e.g. random, reasonable suspicion, post-incident, post-accident) during the probationary period.
  - 4. Work/Promotional Test - Following the provisional and probationary periods, employees may be required to submit to testing in each of the following circumstances:
    - a. Upon application to specialized units within the department (when notice has been given that a substance abuse test is required); or
    - b. When subject to promotion (when notice has been given that a substance abuse test is required).
- B. Test for alcohol, illegal drugs and controlled substances are required for the circumstances listed below:
  - 1. Post-Traffic Crash Testing
    - a. Alcohol and controlled substances tests may be conducted after traffic related vehicle crashes involving employees when:
      - (1) An employee is involved in a property damage traffic crash, and whose performance could have contributed to the crash;  
or
      - (2) An employee is involved in a personal injury vehicle crash, regardless of the fault determination.



- b. The ranking on-scene supervisor, with supervisory responsibility of the involved employee, shall be responsible for ensuring alcohol/controlled substance testing is conducted in accordance with the following guidelines;
- c. Alcohol tests should be completed within two (2) hours of the crash, and, in no event, after eight (8) hours, and controlled substances test shall be administered within thirty-two (32) hours of the crash. When possible, employees will be tested before the end of their tour of duty.

## **2. Post-Accident Testing**

- a. An employee may be required to submit to alcohol and/or controlled substance testing anytime the employee is involved in an accident that results in minor property damage. The ranking on-scene supervisor shall make the determination as to whether the circumstances of the event warrant testing.
- b. An employee may be required to submit to alcohol and/or controlled substance testing anytime the employee is involved in an accident that results in, or may have the potential to result in, injury or significant damage to property. The ranking on-scene supervisor shall determine if property damage is significant.
- c. The ranking on-scene supervisor, with supervisory responsibility of the involved employee, shall be responsible for ensuring alcohol/controlled substance testing is conducted in accordance with the following guidelines:
- d. Alcohol tests should be completed within two (2) hours of the accident, and, in no event, after eight (8) hours, and controlled substances test shall be administered within thirty-two (32) hours of the accident. When possible, employees will be tested before the end of their tour of duty.

## **3. Use of Force Testing**

- a. An employee may be ordered to test any time he/she uses force, other than the use of firearms, that is reasonably calculated to produce death or serious bodily injury, or anytime the use of force at any level results in death or serious bodily injury. Serious bodily injury is any injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in long-term loss or impairment of any bodily member or organ.

- b. It is the responsibility of the ranking on-scene supervisor to make the determination as to whether the use of force requires a test and document why the use of force is classified as such.

#### 4. Firearm Discharge Testing

An employee shall be ordered to test any time he/she discharges a firearm with the following exceptions:

- a. Authorized firearms training or for legal recreational purposes;  
or
- b. Destroying seriously injured, suffering, or dangerous animals when no other disposition is practical by following current departmental guidelines on the use of force.

#### 5. Reasonable Suspicion Testing

The MNPDP provisions for applying Civil Service Policy Section 6.1 are as follows:

- a. The appropriate supervisory personnel shall complete an MNPDP Form 013 to include written documentation of the facts and observations supporting a reasonable suspicion test.
- b. The supervisor will notify, review, and discuss the facts of reasonable suspicion with his/her chain of command. In making a determination to test, the supervisor/chain of command may seek advice and input from the Substance Abuse Coordinator at any stage during the process. In the event any member of the chain of command is not immediately available, the supervisor will notify the next higher ranking person within the chain of command of the request for a test. The supervisor will then review their observations with the Chief of Police, or his/her designee.
  - (1) If the Chief of Police, or his/her designee, agrees, he/she will order the employee to submit to a controlled substance and/or alcohol test.
  - (2) Any employee who has been directed to submit to testing described in this order, shall not be allowed to report to duty without the prior approval of appropriate supervisory personnel.

- c. An employee who is ordered to test based on reasonable suspicion shall be removed from any duties in which he/she might pose a possible safety risk until the test results confirm that he/she is medically fit to perform such duties.

#### **6. Random Testing**

Tests are ordered on a random, unannounced basis from the department pool of safety sensitive employees. At least twenty-five percent (25%) of employees in the pool will be tested annually, with selections done on a department-wide basis. Random selection is coordinated through the Department of Human Resources and done with a statistically valid method, such as a computer-based listing of employees by social security or employee number. An employee remains in the pool after being tested so that every employee shall have an equal chance of being tested each time selections are made. Any employee notified by his/her supervisor to report for a controlled substance and/or alcohol test must go immediately to the collection site.

#### **7. Return to Duty and Follow-up Testing**

- a. Return to Duty - Any employee who tests positive under this policy must test again before returning to work. This test must be negative for alcohol and controlled substances.
- b. Follow-up - Following a determination that an employee is in need of assistance in resolving a problem associated with the use of alcohol or controlled substances, the employee is subject to unannounced testing. There must be at least six (6) tests within the first twelve (12) months after an employee returns to work.
- c. The length of time an employee is subject to follow-up testing and the number of tests required beyond the minimum six test required is determined by the Substance Abuse Professional or Counseling Services Division counselor and shall not exceed sixty months.

### **2.10.070 Testing Procedure**

#### **A. Alcohol**

Administrative testing for the use of alcohol will be done using evidential breath testing devices approved by the federal government. A screening test will be conducted first and anything less than 0.04 is

considered a negative test. If the alcohol concentration is 0.04 or greater, a second confirmation test must be conducted. The department reserves the right to order a blood test as additional confirmation in extraordinary situations.

**B. Controlled Substances**

1. The current listing of tested controlled substances and steroid profiles including testing thresholds are outlined in Article 2.10.190 of this policy. This listing is subject to change and includes substances not specifically named that have similar chemical structure or similar biological effects.
2. Testing may be requested for other controlled substances. Samples will be given at a collection site designated or approved by the department, or may be done on-site according to established procedures. Analysis shall be conducted by a laboratory certified by the U. S. Department of Health and Human Services.
3. If a screening test is positive for a controlled substance, a confirmation test is performed using the gas chromatography/mass spectrometry analysis. Levels constituting a positive test for marijuana, cocaine, amphetamines, opiates and PCP are established by the U. S. Department of Health and Human Services. Minimum threshold levels for steroid testing are established by the drug testing laboratory.
4. As testing and/or analysis procedures are refined, members are reminded that performance enhancing supplements and similar substances may contain prohibited substances that could result in a positive test under our departmental policy and improved testing methods. Members are advised to discuss ALL such substances with their physician or appropriate medical personnel prior to ingesting such substances.

**C. Testing Procedures**

1. An employee or applicant will be given a written order to report to a collection site for testing. He/she will then report to the collection site immediately, or as directed, with positive photo identification. He/she will complete the chain of custody form and follow procedures established for the collection site. A breath alcohol test may be conducted at the site and when ordered, the employee will give a urine sample for controlled substances. The urine sample will be split in case of the possibility of retest.

2. In providing a testing sample, the adequacy of the sample shall be determined by the testing facility. Only test results from a Metropolitan Nashville Human Resources approved laboratory will be acceptable.
3. All test and laboratory procedures, including the chain of custody procedures, are those established by the U.S. Department of Health and Human Services and are available for review in the Metropolitan Department of Personnel and in the Human Resources Division of the police department.

**D. Attempt to Falsify or Alter Drug Test**

1. The use of any masking agent, substance, or technique which is designed to avoid detection of a prohibited drug and/or compromise the integrity of a drug test is prohibited. This includes, but is not limited to, providing false samples (for example, urine substitution), contaminating the sample with chemicals or chemical products, the use of diuretics for the purpose of diluting urine samples, the use of masking agents (such as probenecid and related compounds), and/or the use of epitestosterone either systematically or directly to artificially alter the testosterone/epitestosterone ratio.
2. The use of any such agent or technique shall be treated as, and constitute, a positive test for purposes of disciplinary action in instances pertaining to this policy.

**2.10.080 Notification of Results and Role of the Medical Review Officer (MRO)**

- A. All controlled substance tests are reviewed and interpreted by a physician designated as the Medical Review Officer before they are reported to the employer. If the laboratory reports a confirmed positive result to the Medical Review Officer, the Medical Review Officer contacts the employee or applicant to determine if there is an alternative medical explanation for the substances found in the urine specimen.
- B. The department administrator will notify the employee of test results, and if positive, will inform the employee to contact the Medical Review Officer if the Medical Review Officer has been unable to contact the employee.
- C. If the employee provides appropriate medical documentation and the Medical Review Officer verifies that there is a legitimate medical explanation for the substance in question, the test result is reported as

a negative to the employer. However, the employee may not be medically qualified to perform normal functions. In such instances, the Medical Review Officer shall advise the department in the form of a Safety Concern Notification.

- D. An employee who is the subject of a Safety Concern Notification may be required to:
1. Submit to a fit for duty exam administered by the Metropolitan Civil Service Medical Examiner.
  2. Be assigned to an alternate duty assignment, as appropriate, until the employee has been released for full duty by the Metropolitan Civil Service Medical Examiner.
  3. Submit to additional controlled substance testing.

**2.10.090 Refusal to Test or Failure to Provide an Adequate Testing Sample**

- A. Any refusal to submit to a test or failure to provide an adequate testing sample (without medical justification) shall be considered a positive test. Willful refusal to test, or an attempt to tamper with the test, is in violation of this policy and will subject an employee to disciplinary action. Refusal to submit shall include, but is not limited to, failure to provide an adequate breath or urine sample for testing unless medical reasons for such failure are substantiated by the medical review process conducted by the Medical Review Officer.
- B. The following procedures were adopted from USDOT 40.193 (Violation of this provision shall be a category AA)
1. If the employee is unable to provide an adequate urine sample the employee will be urged to drink up to forty (40) ounces of fluid, distributed reasonably through a period of up to three hours, or until the individual has provided a sufficient urine specimen, whichever occurs first. The collector will inform the employee of the time at which the three-hour period begins and ends.
  2. The Collection Site Personnel shall determine if a sufficient breath or urine specimen has been supplied and that the sample has been supplied within the appropriate time limit. Such procedures and time limits shall be in accordance with the collection site's standard operating procedures.
  3. Any employee who fails to provide an adequate testing sample shall notify the MNPd Safety Coordinator, via the guidelines within

the established policy on call out procedures, to receive instruction as to what procedures need to be followed.

4. The MNPd Safety Coordinator shall then make contact with the employee's immediate supervisor. At this time, the test will be viewed as a positive result until such time as the department is notified by a physician stating medical reasons that a sufficient sample could not be provided.
5. The Metro Human Resources Substance Abuse Coordinator will then direct the employee to obtain, within five (5) calendar days, an evaluation from a licensed physician, approved by the Metropolitan Nashville Human Resources Substance Abuse Coordinator, who has expertise in the medical issues raised by the employee's failure to provide a sufficient specimen. *(Violation of this provision shall be a category AA)*
6. The physician's examination will be forwarded to the Medical Review Officer (MRO) who will determine if there is a medical justification for failure to deliver a sufficient specimen. If there is no medical justification the MRO will report back to the Substance Abuse Coordinator that it is a positive test.
7. If it is reported by the MRO that there is a medical justification for failure to deliver a sufficient specimen, the employee shall seek the appropriate medical treatment, at the employee's expense, and then shall be re-tested immediately after the medical condition is resolved.
8. Failure to seek appropriate medical treatment shall constitute prima facie evidence of failure to provide an adequate testing sample or refusal to test. *(Violation of this provision shall be a category AA)*

#### **2.10.100 Positive Test Results**

- A. An employee who tests positive for controlled substances or alcohol, refuses to submit to such tests, attempts to tamper with the test or is unable to provide an adequate breath or urine sample for testing is in violation of this policy, and shall be removed from performing normal duties pending further action and/or decommissioned consistent with established policy. *(Category AA)*
- B. Whether prescription medication, over the counter medication, performance enhancing substances, or other substances, each employee is responsible for what he/she voluntarily ingests. Each employee is **responsible** for ensuring that the medication or other substances ingested do not impair his/her ability to perform their duties

and are not prohibited by law or policy. **A positive test is a positive test, no matter the source of the substance that produces the positive test.**

**1. Removal from Register of List**

Employees and applicants who have a confirmed positive pre-appointment test result for controlled substances or alcohol or refuse to test will be denied appointment and removed from the register or list. Employees will also be removed from any regular or regular rotating higher classification assignment involving a Safety Sensitive position for a minimum period of ninety (90) calendar days after presenting a negative return to work test.

**2. Rehabilitation**

- a. Employees who have a confirmed positive on any test for controlled substances or alcohol, including pre-appointment tests, shall be subject to further action which may include rehabilitation.
- b. The Chief of Police may take into account factors such as the circumstances which led to testing, the employee's work history, length of employment, job performance, and past corrective or disciplinary action in deciding whether rehabilitation will be attempted.
- c. Employees may be afforded an opportunity to avail themselves of a department-approved supervised drug and/or alcohol rehabilitation and treatment program. Rehabilitation program participation will be allowed only for the misuse of prescription drugs or the abuse of alcohol. **THERE WILL BE NO ALLOWANCE FOR THE USE OF ILLEGAL DRUGS;** those persons will not be afforded an opportunity to participate in a department-approved, supervised drug and/or alcohol rehabilitation and treatment program.
- d. Those employees participating in a rehabilitation program will be subject to the rules set forth in Article 2.10.120, Return to Work and Follow-Up. Participants shall be subject to unannounced periodic testing for a period of up to five (5) years.
- e. Requests for participation in an alcohol/substance abuse rehabilitation program are confidential. Requests should be hand-delivered to the Office of the Chief of Police and are not to be copied or maintained in the employee's personnel file.



- f. Only persons required to act under provisions of this policy shall have access to such requests while in the performance of those duties. Personnel shall not reveal the submission of any such request to any person except as required by this policy. Improper disclosure of such information may result in disciplinary action.

### 3. Disciplinary Action

Disciplinary action based on a violation of the department's substance abuse policy is not automatically suspended by an employee's participation in a rehabilitation program. Disciplinary action may be imposed upon the employee if the Chief of Police finds such action warranted.

#### **2.10.110 Re-Test Provision**

##### A. Re-Tests

1. Breath alcohol tests are conducted and confirmed while the employee or applicant is present, eliminating the need for a re-test. For controlled substances, an employee or applicant who has confirmed positive test results may request that the split sample be tested at a separate laboratory with federal certification. Such requests must be made within seventy-two (72) hours of learning of the confirmed positive test. Any action required by this policy as the result of a positive test is not stayed pending the result of a test on the split sample.
2. If it is reported by the MRO that there is a medical justification for failure to deliver a sufficient specimen, the employee will seek the appropriate medical treatment, at the employee's expense, and then shall be re-tested as soon as medically appropriate.

##### B. Split Sample Re-Test

The department will pay for the split sample re-test with the provision that the employee will reimburse the department if the re-test confirms the original positive test.

#### **2.10.120 Return to Work and Follow-up**

- A. Employees with a confirmed positive test for controlled substances or alcohol will be referred to the Human Resources Division for evaluation. No employee shall be allowed to return to normal duties

until he/she submits to a return to work test with confirmed negative results, and he/she is recommended by the Human Resources Division administrator to return.

- B. Any employee with a confirmed positive test shall be required to sign a Return to Work Agreement prior to his/her return to work. For follow-up alcohol tests, any level will constitute a positive. Any employee who fails to comply with a Return to Work Agreement will be subject to disciplinary action. **NO EMPLOYEE TESTING POSITIVE FOR ILLEGAL DRUGS WILL BE ALLOWED TO RETURN TO WORK.**

#### **2.10.130 Operating Metro Government Equipment**

- A. No employee shall be allowed to operate a departmental vehicle following a positive test for a minimum period of ninety (90) calendar days after presenting a negative return-to-work test.
- B. The same requirement shall apply to an employee whose license is suspended due to a driving under the influence conviction, even if the employee is granted a restricted license. A Return-to-Work Agreement is also required in such cases.

#### **2.10.140 Confidentiality**

- A. Any information collected in the process of obtaining a substance abuse test, including but not limited to medical information, the results of any substance abuse test, and any reports compiled as a result of enrollment and/or attendance in a treatment of assistance program shall be treated as confidential.
- B. Substance abuse testing results will be made available only to laboratory personnel involved in testing, the Medical Review Officer, the program administration personnel, departmental personnel assigned to inform employees of test results, departmental personnel directly involved in processing administrative or disciplinary actions arising from such test on a need to know basis. Any employee who breaches the confidentiality of any information collected in the process of obtaining a substance abuse test may be subject to discipline.
- C. Substance abuse test results shall be made available to the affected employee or to a party designated by the affected employee only upon completion by the affected employee of a voluntarily signed consent form.
- D. Any information collected in the process of obtaining a substance abuse test, including but not limited to medical information, the results

of any substance abuse test, and any reports compiled as a result of enrollment and/or attendance of any treatment or assistance program shall not be provided to subsequent or potential employers or be used in any criminal proceeding or in any manner except as provided by law.

- E. Substance abuse test results shall be available to departmental personnel assigned to conduct statistical analysis for the substance abuse program. No individual substance abuse results shall be released for publication.
- F. All information designated confidential herein shall be maintained, stored, and disposed in accordance with applicable laws or for an indefinite period. All such information shall be maintained in the employee's medical file and away from any personnel file and other records regarding the employee that are open for inspection.
- G. Substance abuse testing results shall be admissible in all disciplinary and administrative proceedings.

#### **2.10.150 Training**

- A. Informational Program - A program will be presented for all employees covered by this policy to help them understand the department policy on substance abuse. This will include training on the provisions of the policy, information about controlled substances and alcohol use, and treatment resources which are available. The policy will be made known to all new employees and the information will be incorporated in new employee orientation.
- B. Supervisors - Training will be designed to teach supervisors how to identify and document substance abuse among employees and to familiarize them with the controlled substance testing program, provisions of this policy, and related laws. Such training shall be provided no less frequently than required by Civil Service Policy, Section 6.1. Said agreement shall be retained by the Strategic Development Division in conjunction with this policy.
- C. Substance Abuse Coordinator - The coordinator for this program serves as the liaison with the company who manages testing and reporting.

#### **2.10.160 Due Process Requirements**

- A. Any employee of the department having a positive test returned will be notified by the Chief of Police or his/her designee, and will be offered

an opportunity to explain and contest the results through a hearing before the Chief of Police.

- B. The member testing positive will be immediately suspended with pay pending a hearing for suspension following current departmental guidelines and procedures on department and discipline.
- C. In appropriate cases as set forth in this policy, a petition for dismissal from the Metropolitan Police Department may be presented.

**2.10.170 Conflict With Other Laws or Court Action**

If any provision of this policy, or the application thereof, to any person or circumstance is held to be invalid, the invalidation shall not affect any other provisions or the application of this program and to this end the provisions of the program are declared to be severable.

**2.10.180 Revisions**

This policy may be revised to reflect changes in state and federal laws, or for minor housekeeping, without further approval and re-issuance of the full policy. No substantive changes under local authority shall be made without further approval.

### Current MNP Drug Testing Thresholds\*\*

<u><b>Drug Name</b></u>	<u><b>Routine Screen</b></u>	<u><b>Routine Confirm</b></u>
<b>Opiates</b>		
Codeine	300 ng/mL	300 ng/mL
Morphine	300 ng/mL	300 ng/mL
Hydrocodone	300 ng/mL	300 ng/mL
Hydromorphone	300 ng/mL	300 ng/mL
Oxycodone	300 ng/mL	300 ng/mL
Oxymorphone	300 ng/mL	300 ng/mL
<b>Benzodiazepines</b>		
Diazepam	300 ng/mL	200 ng/mL
Oxazepam	300 ng/mL	200 ng/mL
Temazepam	300 ng/mL	200 ng/mL
Lorazepam	300 ng/mL	200 ng/mL
Alprazolam	300 ng/mL	200 ng/mL
Clonazepam	300 ng/mL	200 ng/mL
Flurazepam	300 ng/mL	200 ng/mL
<b>Barbiturates</b>		
Amobarbital	300 ng/mL	200 ng/mL
Butalbital	300 ng/mL	200 ng/mL
Pentobarbital	300 ng/mL	200 ng/mL
Phenobarbital	300 ng/mL	200 ng/mL
Secobarbital	300 ng/mL	200 ng/mL
<b>Amphetamine</b>		
Amphetamine	500 ng/mL	250 ng/mL
Methamphetamine	500 ng/mL	250 ng/mL
MDA	500 ng/mL	250 ng/mL
MDEA	500 ng/mL	250 ng/mL
MDMA	500 ng/mL	250 ng/mL
Phentermine	500 ng/mL	250 ng/mL
ParaMethoxyamphetamine	500 ng/mL	250 ng/mL
<b>Carboxy-THC</b>	50 ng/mL	15 ng/mL
<b>Methadone</b>	300 ng/mL	200 ng/mL
<b>PCP</b>	25 ng/mL	25 ng/mL
<b>Propoxyphene</b>	300 ng/mL	200 ng/mL
<b>Cocaine</b>	150 ng/mL	100 ng/mL
<b>MAM</b>	10ng/mL	10ng/mL

**Current MNPD Anabolic Steroid Testing Profile\*\***

Androstendiol  
Androstendione  
Bolasterone  
Boldenone  
4-Chlorotestosterone  
Clostebol  
Dihydroepiandrosterone (DHEA)  
Epitestosterone  
Fluoxymesterone  
Furazabol  
Mesterolone  
Methandienone (Dianabol)  
Methandriol  
Methenolone (Primonabol)  
Methyltestosterone  
Nandrolone (19-Nortestosterone)\*  
Norandrostenediol  
Norandrostenedione  
Norethandrolone  
  
Oxandrolone (Anavar)  
Oxymesterone (Theranabol)  
Oxymetholone (Anadrol)  
Stanozolol  
Testosterone  
Testosterone/Epitestosterone Ratio\*  
Probenecid (Blocking/Masking Agent)  
Clenbuterol (Anti-Catabolic Agent)

**\*Threshold limits for the steroids are 10 ng/mL for the screening and 1 ng/mL for the confirmation. The exceptions are nandrolone which has a 10 ng/mL screen *and* confirm. The current T/E ratio is 6:1.\***

**\*\* This listing is subject to change and includes substances not specifically named that have a similar chemical structure or similar biological effects.\*\***

## **2.20 Safety Coordinator's Duties and Work-Related Injuries, Illnesses, and Accidents**

Reference: Metropolitan Government Safety and Loss Prevention Program

### **2.20.010 Purpose**

The purpose of this policy is to:

- A. Define duties of the department safety coordinator.
- B. Provide uniform policy for administrative processing of in-line-of-duty injuries and exposure to infectious diseases.
- C. Provide uniform policy for administrative processing of departmental vehicle crashes.
- D. Define procedures for a Traffic Crash Review Committee, set guidelines for referral to such committee, and define the authority of the committee.
- E. Provide a reference for employees to quickly locate procedures/guidelines when reporting employee injuries, accidents, and vehicle damage.
- F. Provide a reference for the requirement of mandatory annual physicals.

### **2.20.020 Policy**

The department will comply with all applicable federal, state, and local laws and ordinances; in doing so, the department will comply with statutory and administrative rules and regulations pertaining to occupational injury, illness, accident, or vehicular crashes. The primary means of compliance shall be through the Safety Coordinator. The Safety Coordinator shall work closely with the Metropolitan Department of Law/Insurance and Safety and Inspections to facilitate compliance with said laws and regulations.

### **2.20.030 Definitions**

- A. **Department vehicle:** Includes marked vehicles, semi-marked vehicles, unmarked vehicles, and special-purpose vehicles. Special-purpose vehicles include, but are not limited to SWAT vehicles, bomb disposal vehicles, mobile communications vehicles, all terrain vehicles,

boats, aircraft, prisoner transport vehicles, motorcycles, bicycles, and utility vehicles.

- B. **Traffic crash reconstructionist:** An employee certified as a reconstructionist by any of several training organizations that are recognized by the department. This employee may hold any rank or assignment within the department, but employees so certified should not participate in a Traffic Crash Review Committee meeting involving a traffic crash they investigated.

#### **2.20.040 Duties of the Safety Coordinator**

The safety coordinator is responsible for:

- A. Accurate and timely processing of all forms and other documents relating to:
  - 1. Occupational injury or death;
  - 2. Occupational illness;
  - 3. Departmental vehicle crashes; and/or
  - 4. Safety inspections of facilities or working environments.
- B. Monitoring all employees injured in-line-of-duty with respect to benefits, per existing Civil Service Rules.
- C. Review of all departmental accidents and vehicle crashes, and referral of vehicle damage paperwork to the Traffic Crash Review Committee.
- D. The MNPDP Safety Office:
  - 1. Retains all medical records regarding IOD claims;
  - 2. Retains all paperwork related to crashes involving police personnel;
  - 3. Provides various (daily, weekly, monthly, annual) reports on all injuries and crashes related to police personnel as deemed necessary.

#### **2.20.050 Procedures to Follow for Processing In Line of Duty Injuries and Contagious Disease Exposure**

- A. In-Line-of-Duty Injury/Illness

Metro's Injured on Duty (IOD) program provides quality medical treatment – at no cost – to Metro employees who are injured on the job. Metro's IOD program is a self-insured program administered by Alternative Service Concepts (ASC) and is not workers' compensation



and therefore is not subject to workers' compensation regulatory requirements.

ASC's role is to manage the IOD injury claim process, assist employees in coordinating their medical care while ensuring their successful return to work. Full and rapid recovery is the goal for any Metro employee who is injured on the job. No payment shall be made when personal injuries were due to the employee's willful misconduct, intentional self-inflicted injury, intoxication, or willful failure/refusal to use a safety appliance or perform a duty required by law. No payment shall be made in the case of death due to sickness or disease. Employees may seek treatment at the nearest emergency medical facility for urgent and life-threatening conditions. As of January 1, 2015, in order for the Metro Government to bear the expense of the treatment of an occupational injury, all non-emergency treatment shall be furnished to injured employees at the Metro IOD Clinic. The clinic is located at 337 21st Ave. North, Nashville, TN. 37203. The clinic's telephone number is 615-880-2400. The network of providers for the IOD program is provided through Metro's IOD Program Administrator, ASC.

All existing IOD cases prior to January 1, 2015 shall be allowed to continue treatment with their current approved physician. If that physician is an IOD Network Provider, the physician's office have been notified of ASC's involvement and subsequent treatment and billing will be handled accordingly. If that physician is not an IOD Network Provider, he/she may still send the medical bills to ASC where fee schedule reductions will be applied. There will be no out-of-pocket expense reimbursement. Such employees have been advised that they can continue treatment with their physician.

When seeking medical treatment for an in-line of-duty injury, an employee must follow the rules adopted by the Metropolitan Employee Benefit Board:

1. Report your injury to your supervisor immediately. If your injury is urgent or life-threatening, please seek treatment immediately from the nearest hospital.
2. Your supervisor will complete the necessary injury forms and submit them to Alternative Services Concepts (ASC). You may need to sign these forms. Please coordinate with your supervisor accordingly.

3. As of January 1, 2015, in order for the Metro Government to bear the expense of the treatment of an occupational injury, all non-emergency treatment shall be furnished to injured employees at the Metro IOD Clinic. If you require specialist care, you will be offered choices from the IOD Specialty Network by an ASC representative on-site at the Metro IOD Clinic.
4. Report back to your supervisor and/or case adjuster following your visit to the physician with all required paperwork (Form 201).
5. If, after a follow-up investigation, the injury is determined to have not occurred in the line-of-duty, medical services may be billed to the employee.

**NOTE:** Normally if the supervisor approves the injury initially to be covered as IOD, it is covered for the initial visit. No additional medical payment will be made. If the injury is an attempt to falsely claim an IOD, the employee could be liable for reimbursement, and subject to discipline and/or corrective action.

6. All medical treatment provided as emergency outpatient treatment is to be documented and reported by the employee, and the following shall be forwarded to the Safety Coordinator.
  - a. A completed Metropolitan Government Form 101, Record of Occupational Injury/Illness and all medical reports detailing the date, nature of injury, and treatment rendered;
  - b. All bills received associated with the services; and
  - c. A completed Metropolitan Government Form 201, Injury on Duty (IOD) Report. The initial treatment date and every follow up treatment, with the treating physician, in relation to the injury.

**NOTE:** If an employee has any questions concerning benefits or coverage, the employee should contact the Safety Coordinator before the employee obtains treatment.

#### B. Procedures

1. Immediate notice of occupational illness or injury is given to employee's immediate supervisor by involved employee.
2. The supervisor will investigate the event to gather departmental and medical records which are relevant to the occurrence, and send them with the original Metropolitan Government Form 101,

Record of Occupational Injury/Illness, to the Safety Coordinator, within 24 hours of the injury/illness.

3. The supervisor will review the information and determine if the incident is a qualifying event per Civil Service Rules.
4. The immediate supervisor will complete the Metropolitan Government Form 101, Record of Occupational Injury/Illness.
  - a. All boxes on the report must be completed. Boxes that are not applicable shall be filled with "N/A".
  - b. Employee numbers shall accompany all signatures.
  - c. Home addresses and phone numbers are required for all injured employees.
  - d. The supervisor's opinion as to the validity of an injury on duty claim is vital. As a first line evaluator, this assessment offers the Safety Coordinator an on-the-scene viewpoint. When the supervisor furnishes accurate and thorough information, the process of determining injury on duty status is simplified.
5. If assigned to a precinct, a PACL checklist must accompany the Metropolitan Government Form 101, Record of Occupational Injury/Illness, to document the validity of the injury on duty claim, and must be included along with the basis for this determination.
6. Any additional information that will assist the chain of command with having a complete description of the incident shall also be included.
7. The supervisor will forward the original Metropolitan Government Form 101, Record of Occupational Injury/Illness, along with all copies of applicable documentation (e.g. 201 forms, private doctor or hospital records, etc.) via departmental mail to the Safety Coordinator within 24 hours of the injury/illness.

**NOTE:** Metropolitan Government Form 101, Record of occupational Injury/Illness, must be faxed by the supervisor to the third party administrator contracted to manage the IOD Program immediately upon completion and before forwarding to the Safety Coordinator. The fax numbers are located in the upper right hand corner of the form.

8. The Safety Coordinator, in conjunction with his/her chain of command shall make a determination whether the injury/illness is

to be considered in-line-of-duty. This determination is subject to review by the Chief of Police.

9. The employee is not to be carried in the time accounting application as injured-on-duty until the determination has been made that the injury is an IOD injury.
10. Any employee injured in-line-of-duty shall report the injury immediately. Failure to report the condition within ten working days will relinquish any right the employee has to benefits relative to the in-line-of-duty injury.
11. An employee that has lost time due to an approved job related injury or illness will be marked injured-on-duty for the duration of the injury or illness, but not to exceed the maximum time allowed by Civil Service Rules.

**C. Contagious Disease Exposure**

Any employee who feels that he/she has possibly been exposed to a contagious disease shall complete MNPD Form 155, Contact with Contagious Disease Report, along with Metropolitan Government Form 101, Record of Occupational Injury/Illness, and forward both these reports to the PACL (if assigned to a precinct) who will then forward them on to the Safety Office. If the employee is not assigned to a precinct, forward both of the reports directly to the Safety Office. The original Metropolitan Government Form 101 shall be submitted within 24 hours of the injury/illness to the Safety Office. (See Section 2.50 of this manual for detailed information on exposures.)

**2.20.060 Procedures to Follow for Police Vehicle Traffic Crashes**

After performing any law enforcement or first aid duties that may be necessary, the following steps shall be followed when administratively processing the accident.

**A. The Employee Involved Will:**

1. Notify their supervisor immediately upon damaging any property;
2. Complete MNPD Form 253, Officers Daily Activity Report and turn into supervisor if applicable; and
3. Begin a new MNPD Form 253, Officers Daily Activity Report if the vehicle is drivable, if applicable.

B. The Immediate Supervisor Shall:

1. Complete the on-line Metropolitan Government Form 105, Vehicle Report and submit the original Metropolitan Government Form 105 within 24 hours of the crash to the Safety Office;
2. Complete Metropolitan Government Form 101, Record of Occupational Injury/Illness, if applicable, and submit the original Metropolitan Government Form 101 within 24 hours of the injury/illness to the Safety Office;
3. Determine if the employee is, or is not, at fault in the crash;
4. Obtain a copy of the completed traffic crash report from the employee investigating the crash;
5. Obtain copies of admission and/or release documents from any medical facility, if applicable, and submit them within 24 hours of the injury/illness to the Safety Office; and
6. Provide the employee's driving history.

C. Distribution of Documents

The supervisor shall make copies of all documents for distribution. It is mandatory that packages of documents be distributed as follows.

1. Package #1 - to the precinct/division commander (via chain of command).  
This package will include:
  - a. A copy of the traffic crash report;
  - b. A copy of Metropolitan Government Form 105, Vehicle Report;
  - c. A copy of MNPd Form 253, Officer's Daily Activity Report;
  - d. A copy of the employee's driving history; and
  - e. An original cover sheet.
2. Package #2 - to the Safety Unit.  
This package will include:
  - a. A copy of the traffic crash report;
  - b. The **original** Metropolitan Government Form 105, Vehicle Report must be submitted within 24 hours of the crash to the Safety Office, and a copy of the Metropolitan Government Form 105 will be submitted with the package;

- c. The **original** Metropolitan Government Form 101, Record of Occupational Injury/Illness, if applicable, must be submitted within 24 hours of the injury/illness to the Safety Office.
  - d. A copy of MNPDP Form 253C, Officer's Daily Activity Report;
  - e. A copy of medical facility documentation (original if available) shall be submitted immediately to the Safety Office; and
  - f. A copy of the employee's driving history.
  - g. A copy of the Community Services Bureau cover sheet.
3. Package #3 - to Fleet Management  
This package will include:
- a. A copy of the traffic crash report;
  - b. A copy of the Metropolitan Government Form 105, Vehicle Report;
  - c. A copy of the MNPDP Form 253, Activity Sheet;
  - d. A copy of the employee's driving history; and
  - e. A copy of the cover sheet.
4. Recommendations for discipline should not be submitted with the original traffic crash packet. In cases where it is unclear whether Department policy was violated, MNPDP Form 313 or MNPDP Form 313A should not be submitted until the determination of chargeable or non-chargeable is made by the Traffic Crash Review Committee.

#### **2.20.070 Traffic Crash Review Committee**

##### **A. Establishment of Traffic Crash Review Committee**

The Traffic Crash Review Committee is established to review all departmental vehicle crashes. The composition of this committee shall be:

- 1. The commander of the Special Operations Division/Traffic Section (chairperson);
- 2. A representative of the Safety Coordinator's Unit;
- 3. The defensive driving instructor of the Training Division;
- 4. The precinct/division commander of the employee whose incident is brought before the committee;
- 5. A representative of the Fleet Management Section; and

6. When appropriate, a certified traffic crash reconstructionist.

**B. Criteria for Referral**

All departmental vehicle crashes and damage to departmental vehicle incidents will be referred to the Traffic Crash Review Committee. The committee will determine:

1. If the employee's actions, in operation of the vehicle, were consistent or inconsistent with MNPd policy or training; and
2. If any driving deficiencies exist that can be corrected by remedial training or other means.

**C. Authority of the Traffic Crash Review Committee**

The Traffic Crash Review Committee will meet as necessary, preferably on the 3rd Wednesday of February, May, August and November. The Traffic Crash Review Chairman will draft a letter of explanation, outlining the outcome of a crash/incident that was brought before the committee during the quarterly crash review meeting. The Traffic Crash Review Committee Chairman will request that the affected Division Commander/Captain attach a copy of this letter to the crash review packet as it is forwarded through the chain of command for review.

Generally, the only crashes/incidents that will be brought before the Quarterly Traffic Crash Review Committee are those crashes/incidents that a determination of chargeable/non-chargeable could not be agreed upon between the affected employee's Division Commander/Captain, the Commander of the Special Operations Division/Traffic Section, and/or another member of the Traffic Crash Review Committee prior to the quarterly crash review meeting. The proceedings of the Traffic Crash Review Committee shall not have any bearing on any disciplinary action or hearing.

This committee serves only to determine whether the employee's actions, in operation of the vehicle, were consistent or inconsistent with MNPd policy or training. The committee may also identify problem drivers, suggest remedial training measures, and correct traffic crash processing errors. This will benefit the individual employee, the department, and the Metropolitan Government.

The committee may recommend to the Chief of Police that:

1. The employee's driving skills and/or habits are not an issue.
2. The employee should receive additional driving instruction by the Training Division, or other instructor, while working unrestricted.
3. The employee should receive additional driving instruction by the Training Division, or other instructor, and prohibited from driving a police vehicle for a specific time period.
4. The employee should be prohibited from driving a police vehicle for a specific time period.
5. The employee should be prohibited from driving a police vehicle permanently, or until driving privileges are restored by the Chief of Police.

#### **2.20.080 Physical Examinations**

- A. Employees are required to maintain their general health and fitness to a level which would allow them to perform their job responsibilities in accordance with the physical demands of their functional job description.
- B. A periodic physical examination is a benefit to both the employees and the agency. Any physical examination should be conducted only to confirm the employees' continued fitness to perform the tasks of their assignments and to inform them of their general physical condition, not to identify employees with disabilities who are otherwise able to perform their assigned duties, with or without reasonable accommodation.
- C. Department employees are encouraged to have physical examinations conducted periodically by their physician. Sworn employees and Police Security Guards shall be required to have an annual physical exam administered at the direction of the Metro Civil Service Medical Examiner.
- D. A private physical examination will not be used to substitute for a departmentally required physical examination.
- E. The results of a physical exam administered at the direction of the Metro Civil Service Medical Examiner will be confidential, and information obtained during this exam will not be provided to the department. The only exception shall be notice that the Civil Service Medical Examiner has determined the member is unable to meet the requirements of the functional job description as a police officer.



- F. It is the responsibility of the employee's supervisor to ensure compliance with this directive.
- G. Failure to submit to the required annual physical examination, by the Metro Civil Service Medical Examiner, may result in that employee being considered unfit for duty pending completion of the required medical examination.

#### **2.20.090 Safety Coordinator Off Duty Notification**

The Safety Coordinator shall be notified when he/she is not on duty, pursuant to the following criteria:

- A. An employee is involved in a job-related action that results in an injury and is transported to a medical facility by medical personnel;
- B. An employee is admitted to a hospital in relation to an injury-on duty;
- C. An employee has a significant exposure to a contagious disease or hazardous material;
- D. A safety hazard is discovered that could bring life-threatening harm to an employee and requires immediate action by the Safety Coordinator; or
- E. At the discretion of the ranking on-scene supervisory personnel whenever there is a serious or life threatening injury to an officer.

## **2.30 Early Intervention System**

### **2.30.010 Purpose**

The purpose of this policy is to establish a system to provide for the regular and timely review of specific and significant work related events involving employees of the Metropolitan Police Department. This review will aid supervisors in making informed, consistent decisions regarding the performance of personnel under their command and enable the Department to exercise its responsibility to regularly evaluate, identify and assist employees whose actions indicate stressors that may affect the employees' stability and performance. Additionally, this systematic review of critical performance data can aid the Metropolitan Police Department in identifying training and other management system needs.

### **2.30.020 Definitions**

- A. **Early Intervention System (EIS):** The Early Intervention System is a proactive, time-sensitive system designed to effectively organize critical performance and evaluation data in order to promptly identify employees who may be experiencing stress that could potentially affect performance and, if necessary, to facilitate appropriate intervention.
- B. **Early Intervention System Advisory Memorandum:** The Early Intervention System Advisory Memorandum is a notice sent to the supervisor of an employee who is identified as having an activity rating that indicates a closer review of the employee's activities may be appropriate. The supervisor shall conduct an [informal] evaluation to make this determination. If the supervisor deems necessary, a formal EIS assessment will be completed.
- C. **Early Intervention System Action Memorandum:** The Early Intervention System Action Memorandum is a notice sent to the supervisor of an employee who is identified as having an activity rating that indicates a formal review of the employee's activities is required. A response from the supervisory personnel completing such review is required.

### **2.30.030 General Provisions**

- A. The Early Intervention System is only one of the methods by which employees are identified as possibly needing assistance with performance problems. The Early Intervention System is intended to serve as a systematic approach to identifying a possible pattern of behavior that may otherwise be overlooked.

- B. The Early Intervention System is, by itself, a set of objective statistical data. This data is virtually meaningless absent thorough analysis and interpretation. In reviewing the activity of their employees, supervisors must use their unique knowledge of the employee and his or her work assignment with sensitivity to the personal, contextual and environmental factors impacting them. In assessing data provided by the Early Intervention System, a supervisor should take into account such issues as the nature of the employee's assignment, the activity level inherent in that assignment, and how the reported activities compare with the activities of the similarly assigned co-workers. Additionally while reviewing an employee's activity, supervisors should also take into account possible physical, emotional, personal and family issues that may be impacting the employee.
- C. The EIS will assign an overall risk score to each employee in the MNPd. Supervisors with personnel in the 95<sup>th</sup> percentile and greater will receive an EIS Action Memorandum while those scoring in the 90<sup>th</sup> to 95<sup>th</sup> percentile will receive an EIS Advisory Memorandum.
- D. Using this objective statistical data, in a peer based analysis; the System is a key element in the MNPd's strategy to address the potential for at-risk behavior. Once the EIS indicates an intervention may be necessary, described by the primary risk factors below, and mandated by the EIS Action Memorandum, an Early Intervention Assessment will be conducted. An EIS may be deemed necessary upon a supervisor review initiated by the EIS Advisory Memorandum.
- E. The progress of the employee will be carefully tracked within the employee's division. The employee's chain of command shall be personally responsible and accountable for the implementation of the individual program and such other steps as may be necessary to address any at-risk behavior, demonstrated indicators of stress, or training deficiencies, and ultimately achieve the professional goals set for the officer.
- F. The EIS is not related to the existing system of corrective or disciplinary action provided for in policy or by Civil Service Rules. Department employees remain fully accountable for adhering to policy and performance standards. Nonetheless, the Early Intervention System seeks to identify and address behaviors flagged as indicators before policy violations arise. The goal is to intervene and offer assistance by identifying and modifying possible problematic behaviors before they result in actions that are contrary to the mission and fundamental values of the Metro Nashville Police Department,

including its commitment to constitutional policing and upholding lawful, professional and ethical standards.

- G. The Early Intervention System represents the Department's commitment to coach and mentor its employees and to hold the entire chain of command accountable for addressing problematic behavior and managing risk to officers and the public. The system is designed to support the employee through mentoring and coaching by supervisors.
- H. The use of the Early Intervention System provides employees:
  - 1. Pathways to remain/obtain a healthy self
  - 2. Training/Education
  - 3. Job performance feedback
  - 4. Opportunities to improve performance
  - 5. Consistent oversight and supervision
  - 6. A clear message to employees that the Department has resources available to assist them in meeting expectations
- I. Except as required by law, information relating to the Early Intervention System shall be considered confidential and is not to be shared with persons not having an authorized business need to Early Intervention System reports or data. Violations of this policy may result in discipline.

#### **2.30.040 Early Intervention System Coordinator**

The Director of Police Human Resources Division shall be designated to serve in the additional capacity of Early Intervention System Coordinator.

#### **2.30.050 Duties of the Early Intervention System Coordinator**

- A. The Early Intervention System Coordinator shall cause the creation and maintenance of an Early Intervention System Database. The database will systematically track the following information linked to employees :
  - Use of force reports
  - MNPD Vehicle accident report
  - Complaints
  - All Employee leave data
  - IOD incident
  - Vehicle Pursuit data
  - Disciplinary action
  - Employee Bid Data
  - Employee Award data
  - Supervisor Data

- Division/Assignment movement
  - Geographic relation data
  - Previous EIS data
  - Employee work data, including, but not limited to:
    - CFS
    - Arrests
    - Incident
    - Training data
    - Change in Address/family status
    - Change in assignment/classification
  - Any other factors as may be identified as appropriate for consideration as a program element.
1. The data will include, at a minimum, the employee's name, assignment, employee identification number, the date of the incident, the time of the incident, a complaint number where applicable and the type of incident.
  2. The analysis will consider historical interactions (opportunities), policy/procedure successes, adherence failures, duty assignment, and geographic assignment, accolades and positive outcomes from personnel.
  3. The Early Intervention System Database will be updated as data populates the system.
  4. The Early Intervention System Database will analyze the data entered into it no less than every six months and will denote those employees whose overall risk scores are identified as the top 90<sup>th</sup> percentile of sworn employees.

#### B. Early Intervention System Analysis

The Early Intervention System Coordinator shall cause the creation and maintenance of an Early Intervention System Analysis utilizing appropriate statistical principles and a peer based comparison approach to evaluate data and generate reports. Each year, these analyses shall be reviewed for statistical validity and updated or modified as necessary to accomplish departmental goals and with the approval of the Chief of Police. The EIS Coordinator shall have access to information summarizing the variables considered in the analyses and make such information available for review by any MNPD employee upon request.

C. Early Intervention System Reporting.

The Early Intervention System Database is designed to operate independently as data is updated to the system.

1. Upon each completion of an EIS analysis, which indicates an employee requiring intervention, an Early Intervention report will be generated for the involved employee. The Early Intervention System Coordinator shall cause the activity of those employees identified by the system database as having a significantly high overall rating to be reviewed as generated. If there is any question about accuracy, the Early Intervention Coordinator will consult with the employee's chain of command, to determine whether or not an Early Intervention Action should proceed. Upon completion of the review, the EIS Coordinator shall certify the list of employees.

2. Types of Reports

There are two types of reports that are generated by EIS as a result of the automated analysis of data based upon established indicators;

- The Early Intervention System Advisory Memorandum and
- The Early Intervention System Action Memorandum.

The EIS process is not intended to replace the existing Job Performance Improvement Plans, employee evaluation or counseling plans, or other supervisor initiated methods for evaluating employee performance or behavior.

D. EIS Evaluation.

An EIS Advisory Memorandum will be generated when the EIS analysis indicates that an employee is **approaching** necessary intervention which would require an EIS Assessment report. Immediate supervisors will perform this evaluation to determine if further action is necessary. This report, as generated, is distributed to command staff as an additional tool to aid supervisors.

E. The Early Intervention System Coordinator shall issue an Early Intervention System Risk Assessment report as may be necessary for the efficient operation of the program.

1. The EIS Risk Assessment shall list each employee by their assignment, their employee number and their Risk Assessment

Score. As the EIS is improved, the number of incidents of each recorded incident type for the past twelve (12) months.

2. The Police Human Resources Division shall cause the data supporting the Early Intervention System Risk Assessment reports to be maintained as a confidential file.
3. The Early Intervention System Risk Assessment reports will be distributed to those management and supervisory personnel deemed appropriate by the Chief of Police.

**F. EIS Action.**

After the activity review (if needed), the Early Intervention System Coordinator confirms the employee's activity should be reviewed by his or her immediate supervisor, the Coordinator shall cause an Early Intervention System Advisory/Action Memorandum to be issued. The Memorandum(s) shall be sent to the Commander of the departmental component of the employee. The Commander shall forward the Memorandum to the employee's immediate supervisor for it to be completed. The Early Intervention System Coordinator shall also cause notice of any previous Memorandums issued to the employee to be included in the documentation accompanying the current Memorandum.

- G. The Director of Police Human Resources Division, in consultation with the Chief of Police and his or her staff, will review the criteria that give rise to the issuance of an Early Intervention System Advisory Memorandum. The purpose of this review is to assure that the criteria is based on sound principles of statistical analysis and police management. These criteria will be maintained in the Early Intervention System SOP by the EIS Coordinator. The EIS Coordinator will perform the EIS SOP review annually.

**2.30.060 Supervisory Duties**

**A. Early Intervention System Advisory Memorandum**

1. A supervisor receiving an Early Intervention System Advisory Memorandum will consider their employee's activities and general well-being. Under this consideration, a supervisor may/may not choose to take any action whatsoever (including, but not limited to, having a conversation with the employee). The supervisor will only take action as may be deemed necessary and appropriate.

2. The sole responsibility of the supervisor is to give consideration to the activities and general wellbeing of the employee during the time he/she has been under their supervision, AND to qualify whether their judgement considers the employee to be in need of assistance at that time.
3. If the review by the supervisor does not indicate a problem or issue with the employee's activities listed in the memorandum, the supervisor shall return the memorandum to the EIS Coordinator with an explanation of his/her consideration. An MNP Form 014 is not required when there are no issues identified under the Advisory Memorandum.
3. If, upon further consideration of the employee's activities & well being, the supervisor determines that the employee may have a performance related problem or be under an undue amount of stress, the supervisor shall treat the Advisory Memorandum as an Action Memorandum, follow the process for completion of an Action Memorandum and complete MNP Form 014.
4. The supervisor receiving an EIS Advisory Memorandum is not accountable for the complexity of the computer/modeling that gave rise to the advisory memo. Inquiries regarding program methodology should be directed to EIS Coordinator.

B. Early Intervention System Action Memorandum

1. Upon consideration of the employee's activities and general well-being, the supervisor is to determine if the employee's activities may indicate a possible performance related problem or be under an undue amount of stress. A supervisor receiving a request to complete an **Early Intervention System Action Memorandum** will evaluate the employee's activities and complete the memorandum within **twenty-one (21) working days** of receiving it.
2. The primary responsibility of the supervisor is to give consideration to the activities and general wellbeing of the employee during the time he/she has been under their supervision, AND to qualify whether their judgement considers the employee to be in need of assistance at that time.
3. Upon consideration of the employee's activities, the supervisor is to determine if the employee's activities indicate a possible performance related problem.



4. The supervisor shall document and explain his or her consideration as to whether or not the employee's activities indicate a performance problem.
  5. The supervisor receiving an EIS Action Memorandum is not accountable for the complexity of the computer/modeling that gave rise to the advisory memo. Inquiries regarding program methodology should be directed to EIS Coordinator.
- C. The supervisor shall recommend a course of action which may include, but not be limited to:
- a. No additional action;
  - b. Informal counseling by the employee's immediate supervisor;
  - c. Additional training to improve employee skills;
  - d. Submitting employee for award or commendation;
  - e. Referring employee to P.A.S.S. or other formal counseling;
  - f. Recommend mandate employee to P.A.S.S.;
  - g. Completing a Job Performance Improvement Plan;
  - h. Other necessary and appropriate actions.
1. The supervisor shall return the **Early Intervention System Action Memorandum** through the supervisor's chain of command to the Office of the Chief of Police.
  2. A supervisor receiving a request to complete an **Early Intervention System Action Memorandum** will evaluate the employee's activities and complete the memorandum within **twenty-one (21) working days** of receiving it.
  3. Upon consideration of the employee's activities, the supervisor is to determine if the employee's activities indicate a possible performance related problem or be under an undue amount of stress.

#### **2.30.070 Duties of the Chain of Command**

- A. Each member of the employee's chain of command shall have the authority to express agreement or disagreement with the findings and / or recommendations of the employee's immediate supervisor.
- B. If any member of the chain of command expresses disagreement with the Early Intervention System Action Memorandum, the Early Intervention System Coordinator shall call for a committee meeting, to be conducted within **fifteen (15) working days** of receipt of the memorandum, to discuss its findings and recommendations. If for good

cause the committee meeting cannot be scheduled within **fifteen (15) working days**, the Chief of Police may authorize an extension of that time limit. The meeting will consist of the employee's immediate supervisor, the employee's chain of command or designee and a representative of the Behavioral Health Services Division. The committee shall be chaired by the highest ranking member present. The committee members will be charged with developing a consensus as to the proper follow-up action to recommend.

#### **2.30.080 Authority of the Chief of Police**

The Chief of Police shall have the final authority in deciding the appropriate follow-up option for any employee of the Metropolitan Police Department. The Chief of Police may, or may not, adopt the recommendations of the employee's immediate supervisor or the committee called by the Early Intervention System Coordinator.

#### **2.30.090 Confidentiality**

- A. The Early Intervention System Advisory Memorandum - In that an Advisory Memorandum may contain information related to confidential matters such as 108 Reports, references to illness or other personal issues, they shall be treated as confidential documents. Only the Early Intervention System Coordinator, the employee who is the subject of the Advisory Memorandum, the employee's immediate supervisor, the employee's Chain of Command and members of the Behavioral Health Services Division may view an EIS Advisory/Action Memorandum. Further, they may do so only as such viewing is required to fulfill their authorized duties to the Metropolitan Nashville Police Department.
- B. Only the Chief of Police, or his/her designee, may authorize the release of any information or documentation related to the Early Intervention System as outlined in this policy. Additionally, the Chief of Police, or his/her designee, shall be solely responsible for the manner and form in which such information or documentation is released.

#### **2.30.100 Annual Evaluation**

The Early Intervention System Coordinator shall conduct an annual evaluation of the Early Intervention System. Subsequently, he or she will advise the Chief of Police on the system's effectiveness and propose any necessary changes.

## **2.40 Hazardous Chemicals in Workplace and Employee "Right to Know" Program**

### **2.40.010 Responsibilities of Safety Coordinator and General Provisions**

It is the intention of the Metropolitan Nashville Police Department to comply with the OSHA Hazard Communication Standard, Title 29 Code of Federal Regulations 1910.1200, and the Tennessee Hazardous Chemical Right-to-Know Law, by compiling a hazardous chemical list, by using and maintaining Material Safety Data Sheets (MSDS's), by ensuring that containers are properly labeled, and by providing all potentially exposed employees proper training.

This program applies to all work operations where employees may be exposed to hazardous substances in the workplace.

The Department Safety Coordinator will be responsible for developing the program, copies of which will be filed with the Metro Safety Office. The Safety Coordinator will be ultimately responsible for the implementation of the program including all training, record keeping and reporting although some portions of these activities may be delegated to others from time to time.

In fulfilling the duties and responsibilities herein, the Safety Coordinator shall maintain current knowledge of applicable laws, standards, and administrative practices. This will necessitate compliance with all mandates of the Metro Safety Office given in meetings, training sessions, memoranda, and written programs or manuals.

#### **A. List of Hazardous Chemicals**

1. The Safety Coordinator will annually make a list of all hazardous chemicals and related work practices used in the department, and will update the list as necessary. A separate list will be provided for each work area and properly posted in a conspicuous place. Each list will identify the corresponding MSDS for each chemical. A master list of these chemicals will be maintained by the Safety Coordinator and the supervisor of each workplace and a copy filed with the Metro Safety Office.
2. The Safety Coordinator will submit a complete, current workplace chemical list to the Metro Safety Officer no later than January 15 of each year.

**B. Material Safety Data Sheets (MSDS's)**

1. MSDS's provide specific information on chemicals used. The Safety Coordinator will maintain a binder in his office with an MSDS on every substance on the list of hazardous chemicals. The MSDS will be a fully completed OSHA Form 174 or equivalent. The Safety Coordinator will ensure that each work site maintains an MSDS for hazardous materials in that area and that a copy of each form will be sent to the Metro Safety Officer for filing there. MSDS's will be made readily available to all employees requesting them.
2. The Safety Coordinator is responsible for acquiring and updating MSDS's. The Safety Coordinator will contact the chemical manufacturer or vendor if additional research is necessary or if an MSDS has not been supplied with an initial shipment. All new procurements must be cleared by the Safety Coordinator. When duplicate MSDS's are received from the same supplier on subsequent shipments, the oldest MSDS will be retained. If changes are made in the formulas, both the original and replacement should be kept.

**C. Labels and Other Forms of Warning**

1. The Safety Coordinator will ensure that all hazardous chemicals are properly labeled and updated, as necessary. Labels should list at least the chemical identity, appropriate hazard warnings, and the name and address of the manufacturer, importer or other responsible party. The Safety Coordinator will refer to the corresponding MSDS to assist in verifying label information.
2. If there are a number of stationary containers within a work area that have similar contents and hazards, signs will be posted on them to convey the hazard information.
3. If chemicals are transferred, by the user of the chemical, from a labeled container to a portable container that is intended only for immediate use, no labels are required on the portable container. If someone other than the user of that chemical makes the transfer, then labels are required.

## **2.40.020 Training**

### **A. Initial Training**

Everyone who works with or is potentially exposed to hazardous chemicals will receive initial training on the Hazard Communication Standard and the safe use of those hazardous chemicals by the Safety Coordinator or someone qualified to give such training. This might be another departmental employee or an outside expert. The Safety Coordinator will provide a Metro Government Right-To-Know Compliance Program card to each affected employee after their first training session.

### **B. Non-Routine Tasks**

When an employee is required to perform hazardous non-routine tasks (e.g., cleaning tanks, entering confined spaces, etc.) a special training session will be conducted to inform the employee regarding the hazardous chemicals to which they might be exposed and the proper precautions to take to reduce or avoid exposure.

### **C. New Chemicals or Changes in Hazard**

Whenever a new chemical or hazard is introduced, additional training will be provided. Regular safety meetings will be used to review the information presented in the initial training. Retraining of each individual employee will be done at least annually. Supervisors will be extensively trained and retrained quarterly regarding hazards and appropriate protective measures so they will be available to answer questions from employees and provide daily monitoring of safe work practices.

### **D. Training Records**

Each training session of both employees and supervisors will be properly documented. Copies of the documentation of these training sessions will be kept in the files of the Safety Coordinator and copies will be sent to the Metro Safety Office. Since exposures to chemicals can cause damage far into the future, these lists will be permanently maintained.

The training plan will emphasize the following items:

1. Summary of the standard and written program.

2. Identity and physical hazard of the specific chemicals to which exposure is possible.
3. Health hazards, including signs and symptoms associated with exposure to the chemical and any medical condition known to be aggravated by such exposure. Short and long term hazards will be discussed.
4. Procedures to protect against hazards (e.g., personal protective equipment required, proper use, and maintenance; work practices or methods to assure proper use and handling of chemicals; and procedures for emergency response).
5. Work procedures to follow to assure protection when cleaning hazardous chemical spills and leaks.
6. Procedures to follow in case of exposure.
7. Where MSDS's are located, how to read and interpret the information on both labels and MSDS's, and how employees may obtain additional hazardous information.

The Metro Safety Office will review the training program and advise the Safety Coordinator and the Chief of Police on training or retraining needs.

**E. Contractor Employers**

The Safety Coordinator will advise outside contractors in person of any chemical hazard that may be encountered in the normal course of their work on Metro premises, the labeling system in use, the protective measures to be taken, and the safe handling procedures to be used. In addition, the Safety Coordinator will notify these individuals of the location and availability of MSDS's.

**F. Additional Information Available**

All employees, or their designated representatives, can obtain further information on this written program, the hazard communication standard, applicable MSDS's, and chemical information lists from the Safety Coordinator.

## **2.40.030 Specific Provisions**

### **A. Survey of Department - MNPDP Form 440**

1. On or about December 1 of each year, the Safety Coordinator shall distribute copies of MNPDP Form 440, "Chemicals Used or Produced Within the Workplace Report," to all departmental components.
2. The Safety Coordinator shall provide explicit instructions with each MNPDP Form 440 so that personnel completing the reports will be able to do so accurately.
3. Upon receiving the returned MNPDP Forms 440, the Safety Coordinator shall review each in detail.

### **B. List of Hazardous Chemicals - MNPDP Form 441**

1. The Safety Coordinator shall compile a complete list of hazardous chemicals by reviewing the MNPDP Forms 440 and cross-referencing the materials with the current reference sources provided by the Metropolitan Department of Law/Insurance and Safety Division. Such list shall be forwarded to the Chief of Police on MNPDP Form 441, "Safety Coordinator's Hazardous Chemicals Report."
2. The Safety Coordinator shall research his training records and provide the relevant training information on the MNPDP Form 441 also.
3. Prior to January 15 of each year, a copy of the MNPDP Form 441 returned by the Chief of Police shall be forwarded to the Metro Safety Office.

### **C. Purchasing Procedures**

1. Any departmental element which orders materials which may contain a hazardous chemical shall contact the Safety Coordinator for instructions on the current Metro Safety Office Guidelines.
2. The Safety Coordinator shall document the conversation in a memorandum if the material in question is in fact a hazardous chemical.

D. Receiving Procedures

1. The Supply Section, and any other component which receives shipments, shall not sign for receipt of such shipments unless the appropriate MSDS's are received and labels are attached.
2. Any component which purchases items from the "petty cash" fund or receives materials pursuant to a service contract shall not accept such materials unless the appropriate MSDS's are received and labels are attached.
3. Should a shipper not provide such documentation, the receiving component shall immediately contact the Safety Coordinator for instructions.

E. Training

1. The Safety Coordinator shall formulate lesson plans for each particular hazardous chemical.
2. All training sessions, which are required as initial, recertification, or special training, **shall** be documented on the current form (roster) as provided by the Metro Safety Office.
3. The forms shall include: date, time, attendees, instructor, topic (chemical), and space for signature of attendees to indicate their understanding the material.

F. Record keeping

The Safety Coordinator **shall retain the following records indefinitely:**

1. Chemicals used lists - MNPDP Form 440
2. Hazardous chemicals lists - MNPDP Form 441
3. All MSDS's
4. All training materials - lesson plans and rosters



## **2.50 Communicable Disease Protection, Exposure Reporting & Contaminated Crime Scene Procedures**

### **2.50.010 Introduction and General Provisions**

It is the intention of the Metropolitan Police Department to comply with the OSHA Bloodborne Pathogens Standard Title 29 Code of Federal Regulations 1910.1030, by adequately protecting its employees from the transmission of communicable diseases during emergency incidents and in all work environments.

Furthermore, the procedures described herein are to be used to report and document exposure incidents involving airborne diseases (tuberculosis, measles, etc.); even though this OSHA standard deals only with blood borne diseases.

#### **A. Infectious Subjects - Universal Precautions**

The MNPDP recognizes the potential exposure of certain employees to communicable diseases in the performance of their duties. In an emergency incident, the infectious disease status of subjects is frequently unknown. **All subjects must be considered infectious.** Blood and body fluid precautions must be taken with **all subjects and with evidence** contaminated by blood or body fluids.

#### **B. Equipment and Training Provided**

To minimize the risk of exposure, the MNPDP will provide necessary personal protective equipment (PPE) to include gloves, face masks, gowns, eye protection, resuscitation devices, and necessary cleaning and disinfecting supplies. The MNPDP will also provide initial instruction and continuing education in preventive practices so that at-risk personnel possess a basic awareness of infectious diseases, understand the risks and severity of various types of exposures, exhibit skills in exposure control, and understand the methods of disposing of biohazard wastes.

#### **C. Notification to Safety Coordinator**

The Safety Coordinator **shall** be notified after an actual exposure incident. The Safety Coordinator will begin investigating the source individual for possible communicable diseases to determine the need for treatment of the exposed employee.

D. Treatment Available to Exposed Employees

Standard prophylactic medical treatment **will** be given to exposed employees and necessary immunization **will** be made available to protect employees from potentially infectious diseases.

E. Exposure Record Keeping

**Initiation of documentation is the employee's responsibility.** The Department will maintain a record of exposures and treatment in each employee's **confidential** files. The Safety Coordinator will maintain a record of infectious exposures. The medical records are **confidential** and can only be released by the employee.

**2.50.020 Definitions**

- A. **Airborne Disease** means any disease spread by microorganism in the atmosphere which can cause disease in humans. These diseases include, but are not limited to tuberculosis, measles, influenza, mumps, rubella, etc.
- B. **Bloodborne Pathogens** means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to Hepatitis B virus (HBV) and human immunodeficiency virus (HIV).
- C. **Contaminated** means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.
- D. **Exposure Incident** means a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.
- E. **Hand Washing Facilities** means a facility providing an adequate supply of running portable water, soap, and single use towels or hot air drying machines.
- F. **Occupational Exposure** means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.

- G. **Personal Protective Equipment** is specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (e.g., uniforms, pants, shirts or blouses) not intended to function as protection against a hazard are not considered to be personal protective equipment. PPE will be considered appropriate only if it does not permit blood or other potentially infectious materials to pass through or reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time which the PPE will be used.
- H. **Source Individual** means any individual living or dead whose blood or other potentially infectious materials may be a source of occupational exposure to the employee. Examples include, but are not limited to hospital and clinic patients; clients in institutions for the developmentally disabled; trauma victims; clients of drug and alcohol treatment facilities; residents of hospices and nursing homes; inmates of correctional or detention facilities; arrestees; prostitutes; I.V. drug users; homosexual or bisexual males; residents or users of shelter or group home facilities; human remains; and individuals who donate or sell blood or blood components.
- I. **Universal Precautions** is an approach to infection control. According to the concept of Universal Precautions all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other blood borne pathogens.

#### **2.50.030 Affected Employees**

The MNPd recognizes the potential for exposure in certain work environments. Therefore, the following groups of employees are identified as "At-Risk":

- A. All sworn members, and
- B. All civilian members.

#### **2.50.040 Precautions and Information on Specific Diseases**

- A. Hand Washing

The Centers for Disease Control state that "hand washing before and after contact with patients is the single most important means of preventing the spread of infection." Washing your hands after contact

is a must. Use waterless hand cleaner when other wash facilities are not available.

The MNPd recommends the following hand washing guidelines:

1. Wet hands to two or three inches above wrists.
2. Apply hand-cleaning agent.
3. Rub hands together to work up a lather
4. Using a rotating motion, apply friction to all surfaces of hands and wrist, including backs of hands, between fingers, and around and under nails. Interlace fingers and rub hands together. Continue for 15 seconds.
5. Holding hands downward, rinse thoroughly, allowing the water to drop off fingertips.
6. Repeat procedure.
7. Dry hands thoroughly with a paper towel.
8. Turn off faucet using a clean paper towel to avoid contaminating hands on the dirty faucet handle.

#### B. Universal Precautions

In the emergency response setting the responder is frequently placed at risk for exposure to infectious disease. The infection status of the subject is unknown. Medical history and physical examination cannot reliably aid in identifying persons who carry infectious pathogens. Therefore, it is recommended that blood and body fluid precautions be observed in the handling of **all** persons.

1. All responders shall use appropriate barrier precautions to prevent skin and mucous membrane exposure when contact with blood or other body fluids of any person is anticipated. Gloves shall be worn for touching blood and body fluids. Gloves shall be changed after contact with each person. Remove gloves by grasping the cuffs and pulling them off inside out. Masks and protective eye wear or face shields shall be worn during activities that are likely to generate droplets of blood or other body fluids to prevent exposure of mucous membranes of the mouth, nose, and eyes. Gowns shall be worn during activities that are likely to

generate splashes of blood or other body fluids.

2. Hands and other skin surfaces shall be washed immediately and thoroughly if contaminated with blood or other body fluids. **Hands shall be washed immediately after gloves are removed.**
3. All responders or other employees must take precautions to prevent injuries caused by needles, scalpels, and other sharp instruments or devices during activities and when handling sharp instruments after activities. To prevent needle stick injuries, needles shall not be recapped, purposely bent or broken by hand, or removed from disposable syringes. Needles, scalpel blades and other sharp items shall be placed in puncture-resistant containers for disposal. The puncture resistant containers will be located as close as practical to the use area.
4. Although saliva has not been implicated in HIV transmission, to minimize the need for emergency mouth-to-mouth resuscitation, mouth-pieces, resuscitation bags, or other ventilation devices shall be available and used.
5. Responders or employees who have exudative lesions or weeping dermatitis shall refrain from all direct patient care and from handling contaminated items until the condition resolves.
6. Pregnant responders or other employees are not known to be at greater risk of contracting HIV infection than responders who are not pregnant; however, if a responder or other employee develops HIV infection during pregnancy, the infant is at risk. Pregnant responders should be especially familiar with and strictly adhere to precautions to minimize the risk of HIV transmission.
7. Eating, drinking, smoking, applying cosmetics or lip balm, and handling contact lenses are **prohibited**, in work areas where bio-hazardous evidence or materials are present.
8. **All items or evidence** which are contaminated with blood, any body fluid, or other potentially infectious material **are to be considered infectious even if the contaminant has dried**. This precaution applies **regardless of the length of time that the contaminant has been in a non-liquid state**.

C. Information on Common Bloodborne Diseases

Infectious pathogens are transmitted via an infected person's blood,

body fluids visibly contaminated with blood or body fluids which include, but are not limited to: urine, feces, vomitus, saliva, tears, mucus, cerebrospinal fluid, semen, vaginal secretions and placental fluids. Generally, the human skin is an effective barrier against exposure to infectious substances. However, if the skin has open sores, cuts, or abrasions, this protective barrier becomes a route for transmitting infections. Contact with a person's blood or body fluids visibly contaminated with blood poses the greatest risk of transmitting certain diseases, such as HBV and AIDS/HIV.

1. Acquired Immunodeficiency Syndrome/Human Immunodeficiency Virus

Casual contact with persons in high risk groups for AIDS (e.g., homosexuals, IV drug abusers) does **not** place you at risk for acquiring AIDS. No cases of AIDS have been identified among non-sexual household contacts of patients of AIDS. One hundred thousand or more healthcare workers, emergency services personnel, and family members have had close exposure to known AIDS patients. Undoubtedly, many times that number has had similar contact with persons unknowingly infected with the AIDS virus. Family members have routinely hugged, kissed, and shared bathrooms and kitchens with AIDS patients. No person exposed in these ways has yet developed AIDS. Persons briefly exposed to the AIDS virus often do not acquire infection, while people actually infected with the AIDS virus may have few or no symptoms for long periods of time, even years. Persons who are infected with the AIDS virus develop a blood antibody that is detected by a screening test (ELISA).

2. Hepatitis-B Virus (HBV)

Pre-hospital care providers who have frequent contact with blood or secretions are at a much greater risk of contracting HBV than of contracting HIV. HBV is more infectious and more difficult to decontaminate than HIV. Approximately one in 200 persons in the United States are considered chronic carriers of HBV, and can spread the infection to others for an indefinite period of time. Strict adherence to the CDC guidelines for minimizing the risk of exposure to HIV will also minimize the risk of transmission of HBV.

## **2.50.050 Equipment and Immunizations Provided**

The Department will provide the following for at-risk employees:

### **A. Personal Protective Equipment**

Items to Personal Protective Equipment (PPE) shall include, but not be limited to:

1. Gloves
2. Masks
3. Eye Protection
4. Gowns
5. Shoe coverings

### **B. Bio Hazardous Waste Disposal Bags**

1. Bio hazardous waste disposal bags shall be provided to all employees using PPE. The bags shall be colored red, and clearly labeled as "Bio hazardous Waste." The Safety Coordinator shall ensure that such bags are of adequate quality to conform to current OSHA, EPA, and Metro Safety Office guidelines.
2. Disposal of such bags shall be accomplished via procedures described in section below titled, "Disposal of Biohazardous Waste."

### **C. Immunizations**

1. At-risk employees, as identified above, **shall** be offered the Hepatitis-B (HBV) vaccine at departmental expense.
2. Employees may decline the HBV vaccine, but **must** sign a waiver indicating the declination.
3. An at-risk employee may rescind the declination at any time and receive the HBV vaccine at departmental expense.
4. Other immunizations, as prescribed by medical authorities as part of a post-exposure incident treatment program, **shall** be offered at departmental expense.

5. HBV immunization shall be offered annually, and non-immunized employees will be required to sign a new declination form annually should they continue to decline the immunization.
6. All immunization documents shall be permanently retained in employees' personnel files.

D. Cleaning & Disinfection Supplies

1. At-risk employees and work sites shall be issued/equipped with a waterless hand cleaning agent for use when hand washing facilities are unavailable and/or to clean contaminated areas.
2. Certain work sites shall be issued/equipped with an aerosol or pump container of cleaning agent suitable for disinfecting surfaces and equipment with large volumes of contaminant.

**2.50.060 Training**

A. Curriculum and Scheduling

1. The Safety Coordinator shall develop a curriculum for training on this OSHA standard. Training shall consist of initial training and an annual recertification course.
2. The Safety Coordinator shall develop a mechanism for training employees whose change in work status (new hire, transfer, promotion) results in their assignment as an "at-risk" employee.
3. The curriculum shall be approved by the Metro Safety Office prior to any training.

B. Retention of Training Records

1. All training sessions, which are required as initial, recertification, or special training, **shall** be documented on the current form (roster) as provided by the Metro Safety Office. No lists shall be attached to a roster on blank paper. When class size requires a second sheet, a new roster form shall be used.
2. The forms shall include: date, time, attendees, instructor, and space for signature of attendees to indicate their understanding of the material.
3. The Safety Coordinator shall retain all training records indefinitely.



## **2.50.070 Personal Protective Equipment**

As described in section above title, "Equipment and Immunization Provided," the department will provide PPE. The PPE use criteria and disposal methods are included in this section.

### **A. Use Criteria**

#### **1. Individual Decision**

Individuals may use PPE at any time they prefer to do so.

#### **2. Mandatory Use**

Personnel shall use PPE during activities when it may be reasonably anticipated that an occupational exposure to blood or other body fluids may occur.

#### **3. Supervisor's Decision**

Supervisors may instruct or order subordinates to use PPE any time he/she deems it necessary.

#### **4. Crime or Accident Scene**

See section below titled, "Evidence Handling and Crime Scene Procedures".

### **B. Initial Issue**

Bureau Commanders shall determine the content of initial issue to individual members and/or organizational elements within their bureau.

### **C. Disposal**

Upon removing disposable PPE, the items shall be placed in a red bag labeled "Bio hazardous Waste." Disposal shall then be accomplished as described in section below titled, "Disposal of Bio hazardous Waste."

### **D. Documentation of Use - Issued Equipment**

Upon disposing of individually assigned items of PPE, or exhausting any other individually assigned cleaning and disinfection supplies,

members will document such usage on the reverse of the appropriate activity sheet for his/her assignment.

E. Replacement Supplies and Equipment

Each Bureau Commander (Precinct Commanders on Patrol Division) shall maintain an adequate supply of replacement items to allow for restocking members' individually assigned equipment and supplies.

**2.50.080 Evidence Handling and Crime Scene Procedures**

For information pertaining to bio hazardous evidence handling and crime scene procedures refer to Article 15.20.030.

**2.50.090 Disposal of Bio <azardous Waste**

A. All contaminated items shall be placed into a red bag labeled "Bio Hazardous Waste." Such bags will be supplied by the department.

B. Red receptacles labeled "Bio hazardous Waste" will be available for disposal of the bags. These receptacles will be located at both Police Department and Fire Department facilities.

1. Police Facilities with Receptacles:

- a. All Patrol Precincts
- b. Crime Scene Investigators
- c. Prisoner Processing
- d. Property and Evidence

2. Fire Facilities with Receptacles

The Fire Department has granted permission for use of the receptacle at any fire station during the hours of 0600-2200 only.

C. The red bags and red receptacles **shall not** be used for routine refuse disposal. They are to be used **only** for disposal of bio hazardous waste.

D. Any bio hazardous waste **shall be** disposed of properly. The landfill will not accept bio hazardous waste. Personnel **will be held strictly accountable** for bio hazardous waste disposed of as routine refuse. This accountability will extend to the cost of recovery if bio hazardous waste is discovered in the landfill and responsibility can be attributed to specific member(s).

- E. The commander of the elements having red bio hazardous waste receptacles, or his/her designee, shall notify the disposal contractor when the receptacles are full. The contractor will supply another receptacle and transport the contaminated receptacle away.

#### **2.50.100 Uniforms and Clothing**

##### **A. Change of Clothing**

1. All at-risk personnel are encouraged to have a change of clothing available in their police vehicles or at their offices.
2. Personnel who find it impractical to keep a change of clothing **will, without exception**, be allowed to go to their homes and change should their attire become soiled by blood or body fluids.
3. Contaminated clothing **shall** be changed prior to responding to another call or returning to duty or service.
4. **Extreme caution** should be used to prevent contamination of the home, vehicle, etc.

##### **B. Change of Shoes/Boots**

The provisions of Subsection A. above apply to footwear as well.

##### **C. Handling Soiled Clothing and Shoes/Boots**

Clothing which has been contaminated with blood or body fluids shall be handled as follows:

1. The department will provide laundry services to employees whose clothing has been contaminated by blood or body fluids. To utilize the laundry service, employees **must** document the exposure incident as described in section below, "Procedures for Reporting Exposures." The department **will not** pay for cleaning if the employee has not documented the exposure incident.
2. Employees shall transport the clothing to the contracted laundry service in a leak proof container (such as a common household trash bag) and **shall** inform the contractor's employees of the location and nature of the contamination.
3. Employees shall utilize appropriate PPE when transporting clothing to the laundry service. The laundry service will provide disposal and

hand washing facilities.

4. Shoes/Boots should be scrubbed with soap and hot water to remove contaminants. Wash soles of footwear at the incident or as soon as possible if contaminated with blood, body fluids, or other contaminants.

**D. Firefighting Clothing Assigned to CSI Personnel**

Firefighting clothing ("turn-out gear") used during arson investigations shall be placed in common household trash bags (not red bags) and sent to the Fire Department Safety Office for cleaning when contaminated with blood or body fluids. This provision does not cover routine cleaning. Temporary firefighters clothing will be issued by the Fire Department Safety Office. When a member's assigned gear is clean and ready to be returned he/she will be notified by the Fire Department.

**2.50.110 Procedures for Reporting Exposures**

**A. Employee's Responsibilities**

1. Employees involved in an exposure incident must notify the Safety Coordinator immediately by telephone and
2. Documentation must be made on MNPD Form 155, "Exposure to Contagious Disease Report" and on the current Record of Occupational Illness/Injury form (Form IS-101).

**B. Supervisor's Responsibilities**

1. Supervisors shall consult with the employee and confirm that the Safety Coordinator has been notified of an exposure incident.
2. After discussing the circumstances with the Safety Coordinator the exposed employee may be directed to Nashville General Hospital by the Safety Coordinator.
3. The supervisor shall assist the exposed employee in completion of MNPD Form 155 and the current Record of Occupational Illness/Injury form (Form IS-101).
4. The supervisor shall treat every exposure incident with utmost confidentiality and adhere to applicable local, state, and federal procedures, rules, regulations, and laws regarding confidentiality.

The supervisor shall not discuss the exposure incident with anyone other than the Safety Coordinator, regardless of rank or assignment. A general notification (one that does not include specific details of exposure) may be provided to Command Staff for personnel planning and liability management.

### C. Safety Coordinator's Responsibilities

#### 1. Rating of exposure

Upon receiving notification of exposure the Safety Coordinator shall utilize the severity rating levels identified by the Metro Safety Office.

The levels, and their criteria, are:

- a. Significant exposure occurs whenever a subject's blood or body fluids contact an employee through percutaneous inoculation (e.g., needle stick), an open wound, non-intact skin (e.g., chapped, abraded, weeping, or dermatitis), or mucous membrane (e.g., eyes, nose, mouth). The single most common example is a needle stick.
- b. Moderate exposure occurs whenever a subject's body fluids contact an employee's mucous membranes. Performing mouth-to-mouth resuscitation or a subject sneezing/coughing on a responder are two examples. However, a subject with active tuberculosis, not on medication, who is coughing represents a significant risk of exposure to any responder in the same room.
- c. Minimal exposure occurs whenever a subject's blood or body fluids contact an employee's intact skin or a subject's intact skin contacts an employee's mucous membranes. For example, an officer arrives on a scene without gloves and has a child covered with blood thrust into his/her hands.

Exceptions to the ratings exist. One example is measles. Simply entering a room which an infectious measles subject has vacated within an hour represents a significant risk of infection.

#### 2. Response of Safety Coordinator

Should the Safety Coordinator categorize the exposure incident as "Significant," the employee shall be directed to the nearest hospital, and the Safety Coordinator will meet the employee and supervisor within one hour.

3. Employee Notification, Investigation, and Counseling

All notifications of test results, medical treatment, investigations of source individuals, counseling, and other services provided by the Safety Coordinator shall be conducted in accordance with 29 CFR 1910.1030, current Metro Safety Office guidelines, and applicable laws.

4. Retention and Confidentiality of Records

- a. All records shall be completely confidential and accessible only to the Safety Coordinator, the employee, and others as identified in 29 CFR 1910.1030.
- b. All employees' medical records shall be retained indefinitely.

**2.50.120 Treatment**

All treatment relative to employee exposure incidents shall be provided by the department and Metropolitan Government as required by:

- A. 29 CFR 1910.1030, and
- B. The Metropolitan Government Safety Program, and
- C. The Metropolitan Government Bloodborne Disease Program, and
- D. Civil Service Rules, and
- E. Employee Benefit Board pronouncements, and
- F. Any federal, state, or local law, ordinance, or regulation which may effect or regulate such treatment.

**2.50.130 Adoption of Metropolitan Government Bloodborne Disease Program**

- A. The Metropolitan Government Bloodborne Disease Program is hereby adopted by reference as the model for this order and MNPD policy.
- B. The Safety Coordinator, as an integral element of his/her duties and responsibilities, shall maintain a full complete working knowledge of the Metropolitan Government Bloodborne Disease Program and shall abide by all policies, procedures, and regulations contained therein.

## **2.60 Sick Leave Bank Rules and Regulations**

### **2.60.010 Purpose**

The purpose of the Sick Leave Bank is to provide sick leave to contributors who have suffered an unplanned personal illness, injury, disability, or quarantine and whose personal sick leave, vacation, comp time, holiday, personal leave days and accrued vacation days are all exhausted.

### **2.60.020 Administration**

- A. The Sick Leave Bank shall be administered by the Sick Leave Committee.
- B. The Sick Leave Committee shall be composed of three (3) members; one (1) shall be the President of the Fraternal Order of Police, one (1) shall be the President of the Nashville Police Civilian Association, and one (1) shall be the President of the National Black Police Officers Association, Nashville Chapter, or their respective designees. The chairperson shall be the president, or his/her designee, of the employee group that has been designated in compliance with Chapter 3.56, Labor Policy, of the Metropolitan Code as the exclusive representative for the employee unit which includes Police Officer II.
- C. Employees participating in the Bank shall agree to abide by the rules and regulations (and any revisions) established herein.
- D. All actions of the Sick Leave Committee shall require two (2) affirmative votes. Decisions of the Committee shall be final.
- E. The Payroll Section of the Metropolitan Police Department will maintain the records of the Sick Leave Bank. The records of the Bank shall be open for inspection.
- F. All requests to utilize days from the sick leave bank will be forwarded to the Sick Leave Bank Committee Chairperson. The Sick Leave Bank Committee will then have ten (10) working days to review the request and make a determination.
- G. The Sick Leave Bank Committee shall inform the Police Department Payroll Section supervisor, in writing, of its decision. A written record of the Committee disposition will simultaneously be issued to the employee by the Committee Chairperson. This record may include a brief statement of why the request was approved or denied.

- H. All requests to draw from the Bank must be accompanied by a statement on the request form (MNPDP Form 353) certifying that leave is medically required by the specified illness or disability (which must be stated on the form). MNPDP Form 353 must be signed by a physician.
- I. The Human Resources Division, Payroll Section of the Metropolitan Police Department will maintain records of employees enrolled in the Bank and employee contributions and/or withdrawals. This information will be available for inspection during normal business hours.
- J. No employee shall be authorized to utilize days from the sick leave bank for any purpose other than the employee's own illness or injury.

#### **2.60.030 Membership Provisions**

- A. Any full-time employee of the Metropolitan Police Department shall be eligible to participate in the Bank; however, a minimum participation of one hundred (100) employees shall be required to establish the Bank.
- B. Any full-time Police Department employee who elects to participate in the Bank shall initially have two (2) days of sick leave deducted from his/her personal accumulation and deposited in the Bank by completing and signing the Sick Leave Bank Enrollment / Termination Form (MNPDP 352).
- C. The signing of the enrollment/termination form relieves the Metropolitan Government, the Chief of Police, the President of the Fraternal Order of Police, the President of the Nashville Police Civilian Association, and the President of the National Black Police Officers Association, Nashville Chapter, from any liability as a result of action taken by the Sick Leave Committee or at their direction.
- D. Enrollment shall be open during business hours of any regular workday for the Police Department Personnel Division during the months of January and July of each year. New employees may elect to participate within thirty (30) calendar days of their employment.
- E. Full-time Police Department employees wishing to join who do not currently have the necessary two (2) sick days accrued, may enroll with the understanding that their two (2) day contribution will be deducted from the first two sick leave days accrued subsequent to their application. Requests for withdrawal from the Bank will not be granted until after the employee has satisfied the two (2) day contribution.



- F. Donations of sick leave to the Bank are **non-refundable** and **non-transferable** except in the event of termination of the Bank. In the event the Bank is terminated, the total days on deposit shall be returned proportionately to the then participating members and credited to their personal sick leave accumulation not to exceed the maximum number of sick days allowed by the Civil Service Rules and Regulations.
- G. If at any time the number of days in the Bank is less than one per member, or at any time deemed advisable, the Sick Leave Committee shall have the authority to assess each member one (1) day of accumulated sick leave.
- H. A department wide announcement will be made prior to any new assessment and employees wishing to rescind their membership may do so without loss of the additional assessed day. No previously assessed days will be recouped upon termination of membership by an individual employee.
- I. If, at the time of assessment, a member does not have the accrued time necessary to fulfill the assessed days, the next accrued sick day subsequent to the assessment will be applied to the Bank.
- J. The enrollment authorization shall remain in effect for the current and subsequent years unless canceled in writing. A member's withdrawal from the Bank will be effective thirty (30) calendar days after submitting the request to the Sick Leave Committee. Membership withdrawal shall result in forfeiture of all days contributed.

#### **2.60.040 Sick Leave Bank Usage**

Requests to draw from the Bank shall be reviewed by the Sick Leave Committee for approval or denial. The following guidelines shall be used in determining whether to grant requests for withdrawal from the Bank. The Sick Leave Committee shall review instances not specifically falling into the categories below on a case by case basis.

- A. Sick Leave Bank requests may be granted for instances of disabling illness, injury, or quarantine of the individual member.
- B. Grants of sick leave from the Bank shall **not** be made to any member on account of cosmetic surgery, illness of a member of the participant's family or injury in the line of duty. Disability benefits from individually purchased insurance policies shall not affect eligibility to draw from the Bank.

- C. A participant shall not receive any sick leave from the Bank until after having exhausted all accumulated paid leave (sick leave, personal leave, comp time, holidays, and accrued vacation days).
- D. There shall be a waiting period of six (6) consecutive working days (excluding extensions for the same illness or injury) following the exhaustion of all available paid leave before days from the Bank may be used.
- E. Members of the Bank shall be eligible to request use of the Sick Leave Bank only after meeting the following requirements:
  - 1. Must have been a member of the Bank for thirty (30) consecutive calendar days;
  - 2. Must have contributed their initial two (2) days of sick leave from their personal accumulation; and
  - 3. Satisfied all assessments not previously fulfilled during the time in which they were a member.
- F. All requests to draw upon the Bank must be made upon a MNPB Form 353 (Request for Use of Sick Leave Bank) and forwarded to the Sick Leave Bank Committee Chairperson who will convene the Committee for review and consideration of the request.
- G. An applicant or member drawing on the Bank may be required at any time to undergo at his/her expense a medical review by a physician approved by the Sick Leave Committee.
- H. Leave grants from the Bank may be in retroactive units of no more than twenty (20) consecutive working days for the individual applicant. This reimbursement will not include the six (6) consecutive working day waiting period required before drawing from the Bank. Reimbursements will be allowed in full day increments only.
- I. The maximum number of leave days any participant may receive from the Sick Leave Bank during any twelve (12) month period is forty (40) days. The maximum number of days any participant may receive from the Sick Leave Bank as a result of any one or the same illness or accident during any twenty-four month period is (60) days.
- J. In the case of chemical dependency, mental illness and maternity leave, or family sick leave related to these events, the maximum number of days that may be granted is ten (10). In the cases of extenuating circumstances resulting from these conditions, exceptions

may be approved by the Sick Leave Committee. The Committee shall state its reason(s), in writing, for granting such exceptions.

- K. In the event a member is physically or mentally unable to make request to the Sick Leave Committee for use of sick leave days, a family member or agent may file the request.
- L. Sick leave granted to a member from the Bank need not be repaid by the individual except as all members are uniformly assessed.
- M. A member shall lose the right to obtain the benefits of the Sick Leave Bank by:
  - 1. Resignation or termination of employment from the Metro Police Department;
  - 2. Cancellation of participation in the Sick Leave Bank program;
  - 3. Refusal to honor such assessment as may be required by the Sick Leave Committee;
  - 4. Being on an unapproved leave of absence without pay; and
  - 5. Refusal to comply with the guidelines, rules, and regulations of the Bank.

## **2.70 Light Duty**

The purpose of this order is to establish Metropolitan Police Department policy and procedures for light duty assignments and responsibilities to accommodate an employee's injury or illness on a short term basis. This policy does not address injuries that occur in the performance of the employee's duties as a member of the MNPd (IOD injuries). IOD injuries are specifically outlined in MNPd policy governing "Line of Duty Injuries".

### **2.70.010 Policy**

Temporary light duty assignments are for eligible personnel in the Metropolitan Nashville Police Department who, because of injury, illness or disability, are temporarily unable to perform their regular assignments but who are capable of performing alternate duty assignments.

Use of temporary light duty can provide employees with an opportunity to remain productive while convalescing as well as provide a work option for employees who may otherwise risk their health and safety or the safety of others by remaining on duty when physically or mentally unfit for their regular assignments. Therefore, it is the policy of the Metropolitan Nashville Police Department that eligible personnel are given a reasonable opportunity to work in temporary light duty assignments where available and consistent with this policy.

Light duty assignments are not mandatory and are granted at the discretion of the department. The MNPd will consider the needs of the department and the employee's restrictions when determining light duty assignments.

### **2.70.020 Definitions**

- A. **Eligible Personnel:** For the purposes of this policy, any full time sworn or civilian employee of the MNPd suffering from a medically certified injury, illness or disability requiring treatment of a licensed health care provider and who, because of injury, illness or disability, is temporarily unable to perform their regular assignment but is capable of performing alternative assignments.
- B. **Family and Medical Leave Act (FMLA):** Federal law providing for up to 12 weeks of annual leave for workers in addition to leave provided by the MNPd due to injury, illness or certain other family conditions/situations.
- C. **Light Duty:** A medical designation allowing an employee to return to work with specific and detailed limitations or restrictions.

### **2.70.030 General Provisions**

- A. Light duty assignments are not mandatory and are granted at the discretion of the department.
- B. Assignments may be changed at any time upon the approval of the treating physician, if deemed in the best interest of the employee or the department.
- C. This policy in no way effects the privileges of employees under provisions of the Family and Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act, or other federal or state law.
- D. Assignment to temporary light duty shall not effect an employee's pay classification, pay increases, promotions, or retirement benefits.
- E. No specific position within the MNPd shall be established for use as a temporary light duty assignment, nor shall any existing position be designated or utilized exclusively for personnel on temporary light duty.
- F. Light duty assignments are strictly temporary and normally should not exceed six (6) months in duration. After six (6) months, personnel on temporary light duty who are not capable of returning to their original duty assignment shall:
  - 1. Present a request for extension of temporary light duty, with supporting documentation, to the MNPd Human Resources Division; or
  - 2. Pursue other options as provided by the Metropolitan Employee Benefit system or federal or state law, including but not limited to:
    - a) Resign your position;
    - b) Seek an ADA accommodation through Metro HR; or
    - c) Contact the Metro Benefit Board to discuss any benefits in which you may be entitled.
- G. Request for extended light duty assignments must be approved through the appropriate chain of command through the Bureau Commander of the requesting employee.
- H. Sworn employees on temporary light duty are prohibited from engaging in any secondary employment in which they may reasonably be expected to perform law enforcement functions for which they have been determined physically or mentally unable to perform on behalf of

the MNPD and that form the basis for their temporary light duty assignment.

- I. An employee on temporary light duty shall be prohibited from wearing the departmental uniform, driving a Metro vehicle, carrying any departmentally issued or authorized firearm and are limited in employing police powers as determined by the Chief of Police.
- J. Sworn employees who are not capable of working in a full duty capacity, due to medical restrictions, shall be decommissioned during the length of their light duty assignments.
- K. Light duty assignments shall not be utilized for disciplinary purposes.
- L. Employees may not refuse temporary light duty assignments that are supported by and consistent with the recommendations of an attending physician or certified health care provider.

#### **2.70.040 Temporary Light Duty Assignments**

- A. Temporary light duty assignments may be drawn from a range of technical and administrative areas that include but are not limited to:
  - 1. Administrative functions,
  - 2. clerical functions,
  - 3. desk assignments, or
  - 4. report taking.
- B. Assignment to a light duty assignment or the continuation of a light duty assignment shall be made based upon the availability of an appropriate assignment given the employee's knowledge, skills and abilities, availability of light duty assignments, the physical limitations imposed on the employee, and the employee's continued adequate performance of the assigned duty tasks.
- C. Every effort will be made to assign employees to positions consistent with their rank and pay classification. However, where appropriate, personnel may be assigned to positions designated for personnel of lower rank or pay classification. Employees such assigned shall:
  - 1. Retain the privileges of their rank but shall answer to the supervisory personnel of the unit to which they are assigned with regard to work responsibilities and performance. And
  - 2. Retain the pay classification and related benefits of the position held prior to their assignment to temporary light duty.

**2.70.050 Requests for Assignment to Temporary Light Duty**

- A. Requests for temporary light duty assignments shall be submitted to the employee's immediate supervisor and forwarded through the appropriate chain of command.
- B. Requests for temporary light duty assignments must be accompanied by a MNPDP Form 354, Form which must be signed by the requesting employee's treating physician, or other licensed health care provider.
- C. The MNPDP Form 354, Request for Temporary Light Duty must include an assessment of the nature and probable duration of the disability, nature of work restrictions, and an acknowledgement by the health care provider that the employee can physically assume the duties of the light duty assignment consistent with the outlined limitations.
- D. The MNPDP Form 354, Request for Temporary Light Duty shall be forwarded to the MNPDP Human Resources Division Director, who shall make a recommendation regarding the assignment to the requesting employee's Bureau Commander.
- E. The MNPDP may require the employee to submit to a medical examination by the authorized Civil Service doctor who may in turn refer the employee for an independent medical exam to a health care provider of the MNPDP's choosing.
- F. As a condition of continued assignment to temporary light duty, employees shall be required to submit a monthly physical assessment of their condition by their attending physician or other licensed health care provider as specified by the Director of the MNPDP Human Resources Division.
- G. An employee who has not requested temporary light duty may be recommended for such assignment by submission of a request from the employee's precinct/division commander. Such request must be accompanied by an evaluation of the employee conducted by a competent medical authority expressing a need for temporary light duty or a request/order for a medical or psychological fitness for duty examination.

**2.70.060 Return to Full Duty Status**

- A. An employee placed in a temporary light duty assignment must submit a MNPB Form 354A, Return to Duty form to the Director of the MNPB Human Resources Division prior to returning to full duty.
- B. The MNPB Form 354A, Return to Duty form must be signed by the employee's attending physician or other licensed health care provider and include an acknowledgement that the employee can physically resume the duties and tasks required of his/her regular assignment.
- C. A functional job description of the employee's regular assignment shall be attached to MNPB Form 354A, Return to Duty form for the attending physician to review. The attending physician must acknowledge review of the employee's function job description on the form. Functional job descriptions can be obtained from the MNPB Human Resources Division.
- D. No employee shall be permitted to return to their regular duty status until all required medical documentation has been filed with the Director of the MNPB Human Resources Division.
- E. The MNPB may require the employee to submit to a medical examination by the authorized Civil Service doctor who may in turn refer the employee for an independent medical exam to a health care provider of the MNPB's choosing before authorization is given for the employee to return to full duty.



## **2.80 Use of Police Advocacy Support Services (PASS)**

The purpose of this order is to establish and clearly define the role of the Police Advocacy Support Services (P.A.S.S.) Section which will function as both a direct care provider of mental health counseling services and as an educational, screening, and referral source providing confidential, appropriate, and timely problem assessment services. Therefore, this order establishes policy for identifying and assisting employees and their eligible dependents who may be experiencing emotional and/or psychological difficulties, and communicates to supervisors and employees a clear understanding of the Police Advocacy Support Services program so that services may be used in a timely, reasonable, and optimal manner.

The service array of the Police Advocacy Support Services Section includes, but is not limited to: individual counseling, couples counseling, family counseling, group counseling, stress management, substance abuse counseling, conflict management, divorce adjustment, retirement counseling, and referral to community health agencies.

### **2.80.010 Policy**

The department recognizes the need to prevent emotional crises of personnel whenever possible, and to assist those employees who are experiencing emotional, psychological, and/or psychiatric conditions. Persons experiencing such conditions will be afforded every reasonable opportunity to secure the assistance needed to preserve their mental and physical health.

### **2.80.020 Privileged Communications**

TCA 63-11-213, Privileged communications states:

“For the purpose of this chapter, the confidential relations and communications between licensed psychologist or, psychological examiner or, senior psychological examiner or certified psychological assistant and client are placed upon the same basis as those provided by law between attorney and client; and nothing in this chapter shall be construed to require any such privileged communication to be disclosed.”

### **2.80.030 Goals of the Police Advocacy Support Services Section**

The goals of the Police Advocacy Support Services Section are as follows:

- A. To provide mental health related services for the purpose of prevention and/or remediation of personal and professional difficulties for employees and their eligible dependents.
- B. To provide support to employees and their eligible dependents through counseling and education. These support services are provided through individual, family, and group formats, basic training, and referrals to community agencies when appropriate or necessary.
- C. To provide support to supervisory personnel regarding the identification of employee behaviors which would indicate the existence of employee problems and/or issues that could impact employee job performance, and the identification of appropriate preventative actions and interventions. This service is provided through individual consultation and in-service training.

### **2.80.040 Organization**

The Police Advocacy Support Services Section shall be administered by a section administrator who will hold a valid license as a mental health service provider within the State of Tennessee, possessing a minimum of a master's degree in a counseling-related field with at least five years counseling experience, utilizing a broad range of therapeutic techniques and treatment modalities. The administrator may be sworn or civilian.

### **2.80.050 Procedures**

There are three methods to enter the Police Advocacy Support Services program. They are voluntary counseling, mandatory referral, and critical incident stress management.

#### **A. Voluntary Counseling**

Any police department employee, sworn or civilian, and of any rank or assignment, and their immediate family (father, mother, spouse, children) may seek counseling services or information about counseling services from the Police Advocacy Support Services Section. The staff of the Police Advocacy Support Services Section, as part of the Professional Code of Ethics, will not acknowledge that an employee is seeking voluntary counseling to anyone inside or outside the department, nor will they respond to any questioning regarding the client except at the client's or guardian's request. Exceptions to the

policy of confidentiality and anonymity extend only to the state and federal statutes that mandate the reporting of behavior indicating risk to self or others, and applicable statutes governing the reporting of all known or suspected child abuse cases. In cases where felony criminal charges exist, or the likelihood of felony criminal charges will exist, Police Advocacy Support Services personnel may only intervene for the purpose of crisis intervention and/or referral to another counseling agency.

A conflict of interest or potential conflict of interest may preclude Police Advocacy Support Services personnel from providing on-going counseling services.

**B. Mandatory Referral**

In cases where a supervisor mandates an employee to Police Advocacy Support Services Section, the employee may expect the same confidentiality as if they were seeking voluntary counseling with the exception that the supervisory chain of command may be notified regarding attendance and compliance with treatment recommendations. Supervisors mandating an employee to the Police Advocacy Support Services Section will use the following procedures:

1. Complete MNPd Form 357, "P.A.S.S. Mandate Form", in the Office of the Chief of Police, and concurrently notify the Chief of Police, the involved employee's commander, and the Director of Behavioral Health Services or his/her designee of the request for the mandate.
2. Upon confirmation of referral from the Chief of Police back to the referring supervisor, the employee's Bureau Commander will be notified of the mandate and the employee will be notified that they must contact the Police Advocacy Support Services Section to schedule an appointment.

**NOTE: Under no circumstances shall a referral to the Police Advocacy Support Services Section be used by a supervisor in a disciplinary action, nor shall it be recorded as such. A referral shall not be used in place of, or as part of, any disciplinary action. A referral should be viewed as a positive, preventative response and intervention in order to assist employees with their personal and professional lives. Although a particular incident may ultimately lead to both a disciplinary action and/or a mandate to Police Advocacy Support Services Section, they are still to be considered separate and distinct actions. Therefore, separate recordings of each are necessary. At no time should there be mention of**

**or indication of a referral to Police Advocacy Support Services  
Section listed in any disciplinary documents.**

3. Reasons for a mandate to the Police Advocacy Support Services Section include, but are not limited to, the following:
  - a. Incidents involving violent or threatening behavior;
  - b. Incidents related to substance abuse;
  - c. Incidents related to sexual impropriety;
  - d. Life threatening behaviors toward self or others; and/or
  - e. Inappropriate behavior patterns, which include but are not limited to:
    - (1) Verbal/physical display of anger;
    - (2) Destruction of property;
    - (3) Sexist or racist remarks, behaviors, or harassment;
    - (4) Abuse of authority; and/or
    - (5) Chronic absenteeism or other manipulation or abuse of work time.

- C. Personnel that are initially determined to be a victim or a mutual combatant in a Domestic Violence Incident may be scheduled for an appointment and/or meet with a Police Crisis Counselor prior to next scheduled working day, or as soon as reasonably practical.

**D. Critical Incident Stress Management Automatic Referral**

Automatic referral of personnel involved in critical incidents is essential. A "critical incident" is an incident where the impact of this incident may have an effect on a person's physical and/or emotional well being. The primary purpose of Critical Incident Stress Management is to evaluate the impact of a specific traumatic event or series of events upon personnel. Critical Incident Stress Management is not only mandatory for the personnel directly involved in a critical incident, but is highly recommended for personnel who are indirectly involved in the incident. It provides the opportunity for education and gives the employee the opportunity to process the experience of the critical incident/traumatic call. Police Advocacy Support Services Section staff are only obligated to report that an employee has complied with attending the critical incident stress management session. However, Police Advocacy Support Services Section personnel reserve the right to recommend extended time away from work should it appear necessary and/or any other recommendations that are appropriate.

Supervisors will use the following procedure for Critical Incident Stress Management referrals:

1. Contact the Police Advocacy Support Services Section and advise them of the incident and the referral.
2. Notify the employee that they must contact the Police Advocacy Support Services Section within 48 hours to obtain a debriefing with the Police Advocacy Support Services Section staff.
3. Police Advocacy Support Services Section personnel will notify the supervisor of the debriefing date and time.
4. Police Advocacy Support Services Section personnel will contact the Chief of Police and the employee's Bureau Commander to verify that the Critical Incident Stress Management has taken place and any recommendations that may evolve from the interview.

Referrals for Critical Incident Stress Management shall include, but not be limited to, the following examples:

- a. Anytime an employee is involved in a fatal shooting or witnesses a fatal shooting;
- b. Anytime an employee's actions or use of force results in a death;
- c. Discharge of a weapon in a life and death situation;
- d. Incidents where personnel are disarmed by a suspect;
- e. Incidents where personnel are held hostage or subjected to life threatening situations beyond the normal range of duty events;
- f. When a police officer witnesses death or serious injury of personnel;
- g. When a police officer witnesses death or serious injury of a child (e.g., SIDS cases);
- h. Audio or visual witness to an event which results in the premature, unnatural, or gruesome death/serious injury of an individual;
- i. Traumatic personal loss which appears to be impacting job performance (e.g. 911 operator responds inappropriately to a suicide call after a recent death of a family member); or
- j. Extraordinary event that impacts groups of personnel such as the Special Weapons and Tactics Unit, police negotiators, etc.

## 2.90 Naloxone

### 2.90.010 Purpose

The purpose of this policy is to establish broad guidelines and regulations governing the utilization of Naloxone by trained personnel within the Metropolitan Nashville Police Department. The objective is to treat and reduce injuries and fatalities due to opioid-involved exposure by Metropolitan Police personnel and victims in the field.

### 2.90.020 Policy

MNPD sworn personnel may possess and administer Naloxone so long as they have successfully completed training approved by the Metropolitan Police Training Academy to administer Naloxone to an individual undergoing or reasonably believed to be undergoing an opioid-related drug overdose.

### 2.90.030 Definitions

- A. **Naloxone:** A prescription medication that can be used to treat the effects of an opiate overdose. Specifically, it displaces opioids from the receptors in the brain that control the central nervous and respiratory system. It is marketed under various trademarks, including Narcan®.
- B. **Naloxone Kit:** Authorized kit issued to MNPD personnel for treatment of apparent opioid overdose. The kit contains two (2) 4 mg doses of Naloxone HCL in a nasal spray applicator.
- C. **Opioid:** A medication or drug that is derived from the opium poppy or that mimics the effect of an opiate. Opiate drugs are narcotic sedatives that depress activity of the central nervous system; these can reduce pain, induce sleep, and in overdose, result in respiratory failure. First responders often encounter opiates in the form of morphine, methadone, codeine, heroin, fentanyl, oxycodone, and hydrocodone.

### 2.90.040 General Provisions

- A. The Director of the MNPD Training Academy Duties:
  - 1. Ensure compliance with State training standards for Naloxone administration and maintain records of compliance.
  - 2. Coordinate with outside and departmental entities to establish required training protocols.
  - 3. Maintain training records for MNPD personnel.

4. Implement proper inventory controls and safeguards for Naloxone issued to MNPd personnel.
5. Ensure that Naloxone issued to officers, or held in reserve, are regularly removed from service prior to the manufacturer's expiration date.

B. MNPd Safety Coordinator Duties:

1. Maintain administrative records regarding the Departmental use of Naloxone on employees of the MNPd.
2. Establish protocols for the purging of any files regarding the use of Naloxone on MNPd personnel consistent with current policy governing the disposition of MNPd files.
3. Follow up with all on-duty/accidental overdoses of any opioid consistent with current policy governing IOD injuries and exposures to hazardous materials.

C. Naloxone Use by Personnel in the Field:

1. Officers shall summon emergency medical personnel to any scene where any person is in a potential overdose state. Additionally, any person treated for a drug related overdose with an opioid antagonist shall be taken to a medical facility by emergency medical services for evaluation, unless the person refuses medical treatment, according to NFD guidelines.
2. Officers should use universal precautions and protections from blood borne pathogens and communicable diseases when administering Naloxone.
3. Officers shall determine the need for treatment with Naloxone and administer Naloxone by following established training guidelines when they have a good faith belief that the person is experiencing an opioid related overdose.
4. Officers who have received department approved training in the administration of Naloxone shall use reasonable care and proper tactics when administering Naloxone.

**Caution:** Individuals who are revived from an opioid overdose may regain consciousness in an agitated and combative state and may exhibit symptoms associated with withdrawal.

5. Officers shall remain with the complainant/victim until emergency medical personnel arrive.
6. Officers shall inform medical personnel upon their arrival that Naloxone has been administered.
7. Disposal: Used Naloxone Kits must be disposed of in appropriate hazardous waste receptacles.
8. Officers who administer Naloxone shall promptly notify a supervisor.

D. Maintenance/Replacement

1. Naloxone Kits shall be carried/secured in such a manner as to minimize the risk theft, loss, or access by unauthorized persons and consistent with storage guidelines provided by the MNPD Training Academy.
2. Naloxone Kits may be stored on the officer's person or inside a vehicle during shift hours. Naloxone Kits should not be left stored inside a vehicle for extended periods of time.
3. Used, lost, damaged or expired Naloxone Kits may be replaced via memorandum to appropriate MNPD Training Academy personnel.
4. Expired Naloxone Kits may be maintained by the MNPD Training Academy for use in training, or properly documented and disposed of in accordance with current policy/procedure.

**2.90.050 Naloxone Administration Form, MNPD Form 717**

- A. Officers shall complete a Naloxone Administration Form 717 and submit it to their immediate supervisor for review and processing anytime Naloxone is administered in the field.
1. When Naloxone is administered to an employee of the MNPD, the Naloxone Administration Form 717 shall be completed and routed to the Safety Coordinator, along with MNPD Form 101, Record of Occupational Injury/Illness. It is not necessary to complete a MNPD Form 100 to document administration of Naloxone to an employee exposed in the course of their duties.
  2. When Naloxone is administered to any individual outside MNPD, the Naloxone Administration Form 717 and a MNPD Form 100 shall be completed, documenting the accidental overdose. Form 717 shall be routed to the Records Division, along with the Form 100.
- B. The Naloxone Administration Form MNPD Form 717 is not open to public inspection as governed by the Tennessee Public Records Act § 10-7-503.
- C. Copies of the Naloxone Administration Form MNPD Form 717 shall not be maintained in supervisory, Precinct or Division files.

**2.90.060 Immunity from Prosecution When Seeking Medical Assistance for Drug Overdose**

Pursuant to T.C.A. § 63-1-156, any person who in good faith seeks medical assistance for a person experiencing or believed to be experiencing a drug overdose shall not be arrested, charged, or prosecuted for a violation of § 39-17-418 (Simple Possession or Casual Exchange) or § 39-17-425 (Drug Paraphernalia) if the evidence resulted from seeking such medical assistance.



Seeking medical assistance includes, among other things, contacting 911 or law enforcement.

## **Title 3: Employment**

### **3.10 Employee Performance Evaluations**

#### **3.10.010 Purpose**

The purpose of this policy is to establish departmental policy and procedure for conducting employee performance evaluations and ensuring annual criminal history checks are completed, thus ensuring the highest levels of departmental standards of performance.

#### **3.10.020 Policy**

In accordance with the Metro Charter and the Civil Service Rules, each employee's job performance shall be evaluated on at least an annual basis. Additional evaluations may be done when necessary or required by current job description. The requirements of the position constitute the standards of performance or the basis upon which supervisors will rate the efficiency of employees. The standard of performance shall be the minimum level of performance expected after a reasonable period of training for a fully qualified, competent and acceptable employee. The goal of the Metropolitan Nashville Police Department (MNPd) is to establish a performance evaluation system enabling employees to exceed those standards.

#### **3.10.030 Definitions**

- A. **Appointing Authority:** The Chief Executive Officer of the department; for the MNPd the Chief of Police, or designee.
- B. **Criminal history check:** For the purposes of this directive, a formal records check conducted by authorized MNPd personnel to obtain updated nationwide criminal history (Triple I) information on MNPd employees to maintain departmental integrity and accountability.
- C. **Rater:** The immediate supervisor of the employee being evaluated.
- D. **Reviewer:** The immediate supervisor of the rater.

#### **3.10.040 General Provisions**

- A. Performance evaluations are used to give employees feedback on their job performance, to help them improve future performance and to document performance for the following purposes:

1. To complete probation or work test;
2. To determine whether or not an employee's performance meets the standard required to proceed to the next pay increment;
3. To determine eligibility for promotions and advancement;
4. As an aid in determining layoff actions;
5. To determine reemployment eligibility; and
6. To facilitate other Human Resource (HR) decisions which may be appropriately determined by employee performance.

**B. Roles and Responsibilities**

Each employee involved in the performance evaluation process should be mindful of job performance and evaluations on a continuous basis, not only when an evaluation is due. Roles in completing an evaluation are stated for each person:

1. Rater – Performance evaluation ratings are the responsibility of the immediate supervisor, who directs, observes and has first-line responsibility for the day-to-day performance of an employee.
  - a. The rater should communicate his work expectations clearly to the employee and discuss work performance with the employee on an on-going basis.
  - b. Any time during the rating period the overall performance of an employee, or performance in critical job areas, has reached a level which is below the acceptable rating for the performance evaluation system used, the supervisor will counsel the employee on how he can improve to an acceptable level. Supervisors should ensure the annual performance evaluation is not the first time the employee is made aware of unsatisfactory performance.
  - c. The rater is to complete and document the evaluation form, discuss the ratings with the reviewer and employee and ensure that completed forms are properly routed.
  - d. If an employee is reassigned the rater will complete an evaluation form for the period of time he has supervised that employee, as long as it was for a period of at least sixty (60) days. In such a case, the immediate supervisor at the time the

evaluation is due is responsible for ensuring that the final evaluation is a composite result of evaluations done during the year.

2. Reviewer – The rater's immediate supervisor serves as the reviewer.
  - a. The reviewer should carefully review the rater's evaluation for compliance with the standards set out in the appropriate guidelines and for consistency in the application of those guidelines.
  - b. The reviewer should discuss job expectations and employee performance with the rater on an on-going basis.
  - c. In the event that the reviewer determines a rating to be inappropriate he/she will discuss it with the rater who will make any changes he/she finds appropriate.
  - d. The reviewer will not make any changes in the rater's evaluation unless there is objective documentation to support the change. In no event will a reviewer change a rater's evaluation without discussing it with the rater.
  - e. Evaluations must be reviewed prior to the counseling interview with the employee.
3. Employee – Each employee should know the expectations of his/her supervisor and strive to meet them.
  - a. Prior to an evaluation interview it is the responsibility of the employee to consider his job performance for the period covered so that he is prepared to discuss the ratings with his supervisor.
  - b. An employee is required to sign the evaluation after it is discussed with him. The employee's signature documents that the evaluation has been discussed, the employee has had the opportunity to review the evaluation, and has had the opportunity to ask questions pertaining to the evaluation. The employee's signature does not signify that the employee agrees or disagrees with the evaluation. In accordance with provisions in this policy an employee shall have the right to include comments as they relate to the evaluation. These comments shall be attached to the evaluation and forwarded with the original forms.

- c. An employee, who refuses to comply with instructions regarding the signature of the form, will receive a direct instruction from an authoritative source to comply. A subsequent refusal may result in corrective or disciplinary action for failure to comply with instructions from an authoritative source.

**C. Types and Frequency of Evaluations**

1. Probationary - Employees in this status shall be evaluated more than once during the six-month period and be given clear opportunities to reach an acceptable standard. An employee is evaluated in the last month of his probationary period, prior to the person gaining Civil Service status in the classification. This will not apply in the event of major disciplinary violations.
2. Work Test – Employees completing a work test period shall be evaluated in the last month of that period. Additionally, employees in this status may be evaluated more than once and be given clear opportunities to reach an acceptable standard.
3. Annual - Each employee is evaluated within the month prior to the anniversary date of his original appointment, promotion, or demotion, to his present position, whichever date is more recent or the adjusted date in case of re-employment or a break in active service, such as leave without pay, military leave, return from pension, etc. This is to be done even if there is no increment possible.
4. Change of Rater - An employee whose rater changes will be given an evaluation by the out-going rater to cover the period of time since the employee's last evaluation.

**D. All supervisors are required to attend performance evaluation training.**

Such training will be provided for sworn members, at a minimum, to all newly promoted supervisors at required New Supervisor Training. The MNPd Human Resources Division will ensure ongoing performance evaluation training occurs for civilian supervisors. Records of such training will be maintained by the Training Division.

**3.10.050 Procedures**

**A. Officer in Training (OIT)**

Evaluations of OIT's shall be completed by the assigned Field Training Officer (FTO) according to the current Field Training Officer SOP.

- B. Supervisors shall ensure that the criteria used for performance evaluation are specific to the assignment of the employee during the rating period. Those criteria should be found in the functional job descriptions available for each position.
- C. Prior to any performance evaluation period the supervisor shall meet with the employee for a planning session to mutually agree on job responsibilities, goals, and the measurement criteria.

The Performance Feedback Form shall be used to document this meeting and is available from the Metro Human Resources Division online.

- D. Supervisors shall continually observe the performance of employees under their direct responsibility in order to facilitate an annual evaluation that is beneficial to both the employee and the department.

E. Annual Performance Evaluation

- 1. All employees' job performance shall be evaluated on at least an annual basis.
- 2. Employees shall be rated on the following scale:
  - a. **1 – Needs Improvement:** Performance does not meet minimum acceptable standards, expectations, and requirements of the job, or is below what can be expected of average performance. Employee requires a high level of supervision or assistance to accomplish work results. Improvement is necessary to meet desired level of performance results.
  - b. **2 – Successful:** Performance meets acceptable standards, expectations, and requirements. Performance contributes what is expected of a qualified, experienced employee performing in this position.
  - c. **3 – Exceptional:** Consistently meets standards and expectations, regularly exceeds them, and shows initiative in additional assignments. Successfully completes all responsibilities, even for projects that require versatile skills. Employee strives to grow professionally through development activities.

3. Any rating found to be “Needs Improvement” or “Exceptional” must include a written explanation of the deficiency and suggestions for improvement, or explanation of exemplary performance, whichever is applicable.
4. The reviewer shall evaluate the form for correctness and compliance with procedures, sign it, and return it to the rater.
5. Employee Evaluation Discussion
  - a. The rater shall discuss the ratings with the employee during the performance review. This discussion should concentrate on the development of, or clarification of, clear performance criteria and the employee’s performance in meeting those criteria during the rating period.
  - b. An employee shall be informed of any incidents of marginal or unsatisfactory performance. Such incidents shall be documented on the performance evaluation form as outlined in provision 3.10.050, (E), (3) above.
  - c. The rater shall discuss level of performance expected, rating criteria, or goals for the new reporting period.
  - d. The employee shall be provided with counsel regarding career goals relative to topics such as advancement, specialization, or appropriate training.
  - e. An employee shall have the right to include comments presenting his/her concerns as they relate to the evaluation. These comments shall be attached to the evaluation and forwarded with the original forms.
6. The employee shall sign and date the form. The employee’s signature acknowledges that he/she has seen and had an opportunity to discuss the evaluation and does not signify agreement or disagreement with the rating.
7. Once the performance evaluation is completed, the employee shall be provided with a copy of the completed evaluation form and any other attached performance documentation.

**F. Annual Nationwide Criminal History Checks**

1. To ensure the high standards of integrity and accountability of the department, each supervisor shall ensure a nationwide criminal history (Triple I) check is conducted on each employee in conjunction with his/her annual employee evaluation.
2. Only authorized and appropriately certified MNPd personnel shall conduct a criminal history inquiry.
  - a. Each Division Commander shall identify an authorized employee to be responsible for conducting Triple I checks of employees under their command.
  - b. If no employee under their command is authorized to perform the checks then personnel outside that division shall be identified.
3. The authorized MNPd personnel performing the criminal history inquiry shall ensure the inquiry is recorded in the Triple I Log using the purpose code "J" and the reason for the request shall be listed as "review employee background". Personnel conducting the criminal history checks shall ensure every field in the log is completed.
4. The supervisor shall ensure the "Criminal history check completed" box is checked on the annual employee performance evaluation form.
5. If an employee is found to have a "hit" on the Triple I check then the supervisor shall immediately notify their chain of command to ensure an appropriate investigation is initiated.

**G. Annual Driver License Checks**

1. In conjunction with an employee's annual evaluation, supervisors shall ensure a driver license check is conducted:
  - a. If an employee's job duties and responsibilities require them to operate a departmental vehicle based on their job description;  
or
  - b. If the employee requests mileage reimbursement.
2. The supervisor shall ensure the "Driver license check completed" box is checked on the annual employee performance evaluation form, if applicable.



3. If an employee is found to have a driver license status of other than valid then the supervisor shall immediately notify their chain of command to ensure an appropriate investigation is initiated.

H. Employee Job Performance Improvement Plan (JPIP)

1. A Job Performance Improvement Plan (JPIP), [MNPDP Form 309](#), shall be utilized if an employee's performance is rated less than acceptable on any performance evaluation and additionally may be used any time it is determined an employee's performance is below an acceptable standard (Refer to Department Manual Chapter 3.20 governing Employee Job Performance Improvement Plan).
2. Supervisors shall ensure written notification of unsatisfactory performance is provided to the employee at least ninety (90) days prior to the end of their annual rating period, when applicable.

**3.10.060 Appeals**

A. Grounds for Appeal:

An employee may appeal a performance evaluation based on the following grounds:

1. The procedures for completing the evaluation have not been properly followed.
2. Explanation was not given for below standard ratings.
3. The performance evaluation prevents the employee from receiving an increment. In such a case, the employee should be prepared to substantiate the ratings he believes to be appropriate.
4. The employee was rated as not meeting expectations on a section.

B. Appeal Procedure

1. An appeal filed on the above grounds begins with the rater. The employee should discuss his feelings with the rater and request adjustment to the appropriate evaluation ratings.
2. If the rater believes the initial ratings were correct and does not believe that a change is needed, the employee may request that the reviewer consider the desired changes.

3. If the reviewer upholds the original rating, the employee can appeal to the Appointing Authority or his designee who has the final decision.
4. If changes are made at any time in the process, they shall be in writing and initialed by all parties involved with a copy given to the employee.
5. All aspects of the appeal are handled within the department, as people in outside organizations (such as HR or the Civil Service Commission), would have no effective way of accurately assessing the employee's performance. However, the employee may ask the Director of HR to review the issues to determine if a major policy or procedural violation exists.

**C. Appeal Limitations**

1. An employee may not appeal an evaluation simply because he disagrees with particular ratings unless such ratings result in the grounds listed above.
2. Employees may indicate agreement or disagreement with ratings on the evaluation form when it is discussed. If an employee feels that this is insufficient he may attach a separate statement to the evaluation form to be maintained in the employee's file in the HR file. Such rebuttal should be signed by the rater, reviewer and Appointing Authority.

**3.10.070 Distribution and Maintenance Provisions**

- A. All original performance evaluation forms will be forwarded to the MNPDP Human Resources Division;
- B. A copy shall be placed in the employee's personnel file and maintained indefinitely;
- C. The original shall be forwarded to Metro Human Resources by the MNPDP Human Resources Division; and
- D. A copy shall be distributed to the employee.

### **3.20 Employee Job Performance Improvement Plan**

#### **3.20.010 Policy**

It shall be the policy of the Metropolitan Nashville Police Department (MNPd) to utilize the Job Performance Improvement Plan (JPIP) to document attainable objectives and measures when an employee's performance is unacceptable and/or below standard. It is the goal of the department to give every employee the opportunity to be successful, and in those cases where the JPIP is necessary, to provide a clear and documented exchange between supervisors and an employee regarding performance expectations to assist in meeting this goal.

Although a JPIP may be used at any time to improve an employee's job performance, a JPIP shall be utilized if an employee's performance is rated less than acceptable on any performance evaluation and additionally may be used any time it is determined an employee's performance is below an acceptable standard.

A JPIP is generally used to assist in improving an employee's performance before disciplinary or corrective action may be required. However, an employee, when appropriate, may be required to participate in a JPIP in addition to any sanctions resulting from corrective or disciplinary action.

Failure of an employee to successfully complete the terms and conditions of a JPIP shall be grounds for corrective and/or disciplinary action with sanctions up to and including termination.

#### **3.20.020 Definition**

**Employee Job Performance Improvement Plan (JPIP):** A written plan designed to address unsatisfactory and/or below standard employee performance and/or behavior with clearly defined performance objectives and established timelines for improvement to assist the employee in obtaining an acceptable standard of performance.

#### **3.20.030 Performance Evaluation and Corrective/Disciplinary Action**

- A. A JPIP shall be initiated any time an employee's performance is rated less than acceptable on any performance evaluation.
- B. A JPIP shall be initiated any time an employee receives corrective/disciplinary action resulting from a violation of Deficient or Inefficient Performance of Duties as outlined in the current policy governing Department and Personal Appearance.

- C. A JPIP may be used at any time to improve an employee's job performance.

### **3.20.040 General Provisions**

Supervisors, managers, and/or administrators must determine when it's appropriate to move from the verbal to written level when seeking to improve an employee's performance. Once supervisory personnel determine that written documentation is necessary to assist in bringing an employee's performance up to an acceptable level, a MNP Form 309, Job Performance Improvement Plan, shall be initiated. The JPIP should be a realistic plan for improvement with attainable objectives and measures to reach the goal of acceptable performance. The following should be included in the MNP Form 309, Job Performance Improvement Plan:

- A. All methods, discussions, meetings, etc., to be utilized in meeting the objectives and observations of performance that initiated the JPIP.
- B. A listing of each area in which the employee does not meet acceptable performance, specifically identifying the deficiencies.
- C. A discussion of each area in which improvement is needed and an attempt to reach a mutual agreement on the nature and severity of the deficiency.
- D. A determination of a mutually agreed course of action which will increase performance up to an acceptable level. There should be a corroborative effort by the employee and the supervisor in setting performance objectives.

Ideally, the employee will set the objectives with the supervisor acting as an advisor to ensure that they are attainable. Objectives should be measurable and realistic, yet sufficient to cause the employee to expend the effort to bring about positive changes in behavior and/or performance.

**NOTE:** While collaboration is clearly the preferred course of action, supervisors shall retain all duties and authorities to ensure the acceptable performance of employees is attained.

- E. An outline of the methods to be utilized in meeting the objectives set. Supervisors should explain their role in assisting the employee in achieving satisfactory levels of performance. If formal training is applicable (i.e., Academy, reassigned to an FTO, etc.) all efforts should

be made to make these resources available. Informal training (i.e., ride along with supervisors, etc.) should be provided when appropriate.

- F. Controls must be established to measure progress. The controls should be outlined and the employee shall be informed of the controls in the JPIP written plan.
- G. There should be established time frames for follow-up. Sufficient time should be provided to reach the objectives, but in no circumstances should a JPIP exceed six (6) months. Both the supervisor and the employee shall follow the time frames established for review and follow-up.
- H. Once the JPIP has been thoroughly reviewed by the initiating supervisor and the affected employee, both the supervisor and the employee shall sign and date the form where indicated.
- I. The JPIP shall be reviewed and approved through the affected employee's chain of command through the Bureau Commander.
- J. The original signed copy and all supporting documentation shall be disseminated as follows:
  - 1. The original signed copy shall become part of the employee's permanent personnel file in the Human Resources Division;
  - 2. A copy shall be maintained in the employee's file at the Precinct/Division (When the employee transfers to a new assignment, the Precinct/Division file copy will be forwarded to the Commander of the new assignment.);
  - 3. A copy to the employee;
  - 4. A copy to the Precinct/Division Commander or Civilian equivalent;  
and
  - 5. A copy to the employee's Bureau Deputy Chief or Director.
- K. If there is a change of assignment of the affected employee for any reason before a JPIP is completed, the JPIP shall follow the employee to the new assignment. It shall be the duty of the originating supervisor to inform the new supervisor of the JPIP.

If the new assignment does not require the same job responsibilities that necessitated the JPIP, then the initiating supervisor and new supervisor shall communicate in order to determine if the JPIP should

be continued. If it is determined that the JPIP should not continue, those reasons shall be noted in the JPIP.

If the employee's unsatisfactory job performance continues after completing all required provisions outlined in the MNPDP Form 309, Job Performance Improvement Plan, the formal disciplinary process shall be initiated. Failure of an employee to successfully complete the terms and conditions of a JPIP shall be grounds for corrective and/or disciplinary action with sanctions up to and including termination. Supervisors will consult with their Precinct/Division Commanders, Human Resources (HR), or the Office of Professional Accountability (OPA), as appropriate, when determining the appropriate disciplinary action.

### **3.20.050 Guidelines for Supervisors to Use In Determining When the Job Performance Improvement Plan (JPIP) is Appropriate**

A JPIP may be used at any time to improve an employee's job performance. A JPIP shall be utilized if an employee's performance is rated less than acceptable on a performance evaluation. A JPIP shall accompany any corrective or disciplinary action resulting from a violation of Deficient or Inefficient Performance of Duties as outlined in the current policy governing Department and Personal Appearance.

Additionally supervisors must determine when it's appropriate to move from the verbal to written level in working to improve the employee's performance in situations that are not related to corrective or disciplinary action. Once it's recognized that employee performance has failed to improve after coaching and verbal direction, the supervisor must assess the necessity to initiate written documentation. The following questions may be pertinent in determining when it is appropriate to transition to a MNPDP Form 309, Job Performance Improvement Plan. *(It is important that any conversations and/or actions related to an employee's performance be documented by the supervisor.)*

- Is this a new problem or a continuation of a problem that has resulted in verbal discussions?
- What actions have been taken to date?
- How serious is the issue?
- Have there been one or more verbal discussions about performance issues?

- What training was provided? When?
  - ✓ Did the training relate to the performance issue?
  - ✓ How recent was the training?
- What has been put in writing? How recent?
- Did the employee receive and/or understand the directions or expectations provided? Did the employee initial written directions/expectations?
- Have any contributing factors or causes (e.g., personal problems, motivation, skill, etc.) been identified that might mitigate the need to move to a stronger action until other actions are taken (e.g., referral to PASS, treatment, training, accommodations, etc.)

### **3.20.060 Guidelines for Conducting a Job Performance Improvement Plan Meeting**

#### Before Meeting with Employee:

- Advise/consult with the additional supervisors in the employee's chain of command, as appropriate, to ensure the JPIP is consistent with other plans and expectations.
- Check with the appropriate chain of command to ensure that disciplinary action or an OPA investigation is not being considered based on any of the performance problems identified in the JPIP.
- Arrange for a private setting and ample time for discussion of the plan.
- Plan the agenda and make notes for reference.
- Complete the MNPDP Form 309, Job Performance Improvement Plan.

#### During Meeting:

- Review completely the MNPDP Form 309, Job Performance Improvement Plan with the affected employee.
- Focus on the performance deficiency – not the person.
- State any deficiencies clearly and with examples of errant behavior. (e.g., reports that were sent back, daily activity sheets with evidence of no self initiated activity, etc. – all of which is documentation that

establishes the need for the JPIP and must be included on the MNP Form 309, Job Performance Improvement Plan.)

- Use examples to augment the written plan.
- Maintain a positive, respectful, and helpful attitude.
- Listen to any explanations or statements of the employee.
- Remain calm and professional.
- Consider having a second supervisor present if circumstances warrant.
- Ensure you recognize any contributing factors outside the employee's control. (e.g., training not provided, unclear instructions provided, etc.)
- If possible, work out a joint solution.
- Set clearly defined objectives for improved performance.
- Set a timeframe for positive change.
- Take notes.
- Summarize the discussion.
- Express confidence the employee will improve.
- Set a review date for a progress check.
- Advise the employee of consequences, should progress not be attained.
- Keep the employee focused on the problem, and help him or her take ownership. (e.g., don't allow the employee to rationalize or minimize poor performance.)

**After Meeting:**

- Follow up on progress; as set forth in the MNP Form 309, Job Performance Improvement Plan.
- Document all follow up meetings during the JPIP process in writing on MNP Form 309, Job Performance Improvement Plan.



- Ensure the appropriate chain of command is notified and approves of any contingency plan in the event the employee is not successful with the JPIP.

Follow-Up to the Job Performance Improvement Plan (JPIP):

- Monitor progress, documenting any progress in writing.
- Meet regularly with the employee, as necessary.
- Record behaviors, discussions, etc. through notes and documentation.
- Ensure time frames are met.
- Ensure offered assistance is provided.

**3.20.070 Completing the MNPDP Form 309, Job Performance Improvement Plan**

- A. Only employees designated as having supervisory authority shall complete a MNPDP Form 309, Job Performance Improvement Plan.

The supervisor shall complete a MNPDP Form 309, Job Performance Improvement Plan once he/she determines that written documentation is necessary to assist in bringing an employee's performance up to an acceptable level.

The MNPDP Form 309, Job Performance Improvement Plan shall be used to document and address unsatisfactory and/or below standard employee performance and/or behavior with clearly defined performance objectives and established timelines for improvement to assist the employee in obtaining an acceptable level of performance.

Complete all sections of the MNPDP Form 309, Job Performance Improvement Plan. If additional space is needed for any section of the form, the reporting supervisor shall attach a MNPDP Form 104, Supplement Report. Clearly indicate which Part the additional information references.

- B. Filling out the MNPDP Form 309, Job Performance Improvement Plan

1. Indicate if the report is for the initial JPIP or a follow-up report.
2. Enter all applicable information concerning the affected employee and the initiating supervisor as well as the date of the meeting.
3. Part I: Describe in detail the facts and/or circumstances necessitating the employee JPIP.

- Identify/define the problem. (Be specific with dates, times, names, and/or other details.)
- Summarize the history and actions taken to date.
- Emphasize the significance of the problem, why the performance/behavior is unacceptable.
- Explain the impact of the unacceptable performance/behavior.

**Example of Part I Narrative:**

You transferred to the B detail of the South Precinct on November 13, 2015. (Note here if any expectations as new member of the detail were discussed by the Sgt. or Lt.). (State here any other items that have already been addressed/discussed, with specificity and dates, etc., which demonstrate the employee has not performed to expectations, e.g., "We have met three times since the end of December (dates) to discuss the following areas of concern regarding your performance (list)."

In an effort to give you every opportunity to be successful in the MNPD, and to ensure that we are both very clear regarding those expectations, I have determined to institute a JPIP. Despite the efforts to assist you in learning the responsibilities and expectations of your assignment, there have been noted deficiencies in your decreased productivity noted in evaluating your daily performance, and the quality of your police reports as submitted for supervisory approval has been less than expected of similarly situated police officers. Verbal discussions with you, as noted above, concerning these areas of deficient performance have not resulted in sustained or notable improvement. Therefore the purpose of this plan is to identify the specific areas of concern and to outline efforts necessary to correct those deficiencies.

4. Part II: List specific areas of concern and/or deficiency requiring improvement.

**Example of Part II Narrative:**

- a. Your daily activity for the period of \_\_\_\_\_ through \_\_\_\_\_ has reflected several noted concerns. For example, your activity reports submitted for the month of January and February show little self-initiated activity of any sort, and little time spent on investigations or arrests. Additionally, when comparing these dates to the calls for service you were assigned, the records clearly indicate that there were several hours, per day, where self-initiated proactive efforts would be

expected of professional police officers. However, you have recorded no proactive efforts during that time. (*Cite examples and reference that copies of those reports are being held by supervisor*).

- b. It has been necessary to return your paperwork for corrections due to grammatical errors, incomplete information, or it is illegible. The re-writes have resulted in reports not being turned in on time. During the period of \_\_\_\_\_ through \_\_\_\_\_, you completed 43 reports. Of those reports, 14 were returned because they lacked basic information (*cite examples, and reference that copies of those reports are being held by supervisor*); 6 were returned because they contained errors (wrong information, failing to check boxes, etc.) and 3 were so poorly written as to be illegible. Please understand that these types of errors and subsequent returns produce inefficiencies throughout this command and the department and is not the standard behavior of officers assigned.
5. Part III: List the plan of action and follow-up measures developed to assist in correcting deficiencies to include the meeting schedule and duration of the JPIP.
- The JPIP should be a collaborative effort to ensure the employee and supervisor jointly develops the work directives and identifies responsibilities for both parties.
    - Specify the steps necessary for the employee to correct the problem, and include time frames for the completion of each step. (Get the employee to take responsibility/ownership of the problem.)
    - What assistance will the supervisor provide? (e.g., training, referral to PASS or departmental psychologist, etc)
  - Where appropriate, include a directive. (e.g., employee directed to complete the expectation by a specific date, etc.)
  - Record the actions taken or training provided to make the necessary corrections.
  - Set data/records/examples of behavior to be monitored to demonstrate improved performance for meetings with employee.
  - Explain future action if the problem persists. (e.g., additional corrective/disciplinary action etc.) This may not always be appropriate, and the issues of progressive discipline must be

taken into account. Confer with Precinct/Division Commander, OPA, or Police HR as needed.

- State the desired performance. (e.g., how it will be achieved, etc.) Be specific.
- Specify the job expectations in detail.
- Set date(s) to review progress.

**Example of Part III Narrative:**

Per our discussion of today, the following measures we have identified will be taken to assist you in correcting the above noted deficiencies:

- a. We will meet once every two weeks to review your daily activity reports and other paperwork. The purpose of this meeting will be to review your work for accuracy, timeliness and acceptable activity.
- b. You will vary your patrol practices to ensure that when not on a call for service or an assignment authorized by a supervisory officer you are conducting proactive police work consistent with the needs of your area of patrol and the direction of your supervisors.
- c. You will be rescheduled for training at the Academy with an emphasis on report writing skills and police tactics.
- d. You will be assigned to FTO \_\_\_\_\_ for a period of \_\_\_\_\_ to reacquaint you with proper MNPd procedures regarding report writing and police tactics.

The duration of this Job Performance Improvement Plan will be \_\_\_\_\_ from the initial meeting date. *(Sufficient time should be provided to reach the objectives, but in no circumstances should a JPIP exceed six (6) months.)*

6. Indicate which, if any, documents are attached to the form.

**NOTE:** Employees shall be allowed to submit a statement documenting any explanation or documentation for their performance resulting in the JPIP. Any written statements will be attached to the MNPd Form 309, Job Performance Improvement Plan.

7. The employee and initiating supervisor shall sign and date the form. By signing this JPIP, the employee acknowledges that he/she has received a copy of the JPIP.
8. The form shall be forwarded through the affected employee's chain of command through the bureau commander for review/approval and signatures.
9. The original with supporting documentation shall be disseminated according to 3.20.040, (J). of this directive.

### **3.30 Bid Process**

#### **3.30.010 Definitions**

- A. **Close Relationship:** For the purpose of this directive, “close relationship” shall include any relationship, past or present, whether by blood, marriage or other circumstance, wherein there exists a likelihood of, or the likelihood of a perception of, favoritism, conflict, or other circumstance that could lead to disruption in the work place.<sup>1</sup>
- B. **Relative:** A member of the immediate or extended family that is related by blood or marriage.
  - 1. **Immediate Family:** Spouse, parent, children, siblings, grandparents, grandchildren, mother-in-law, father-in-law, daughter-in-law or son-in-law, legal guardians or dependents of the employee; step or half relations shall be given the same consideration as blood relatives of the same type.
  - 2. **Extended Family:** aunts, uncles, nieces, nephews, sister-in-law, brother-in-law of the employee.

#### **3.30.020 General Provisions**

- A. Rebid procedures and employee assignments notwithstanding, administrative changes may be made in an employee's assignment by the Chief of Police or with the approval of the Chief of Police to enhance the efficient and effective operation of the department.

In addition, administrative changes may be made to ensure the safety of the employee or the public. However, notwithstanding this directive or any other departmental procedure to the contrary, and consistent with Metropolitan Charter, the Chief of Police establishes the bidding process set out in this order but shall retain the authority to assign up to fifteen percent (15%) of the total eligible departmental personnel in a calendar year.
- B. Within the Metropolitan Police Department no employees who are relatives or wherein a “close relationship” exists should be placed within the same direct line of supervision whereby one employee is responsible for supervising the job performance or work activities of another employee.
  - 1. In no event will any employee be within two levels of the chain of command of a relative or any other employee wherein a close

---

<sup>1</sup> See also current policy governing the MNPDP Transfer Selection Process

relationship exists with authority to supervise that employee, including participation in a performance evaluation and excluding emergency situations wherein the health, safety or welfare of the public are at risk. The Deputy Chief, or civilian equivalent, in the employees' chain of command shall make the final determination as to whether such relationship exists.

2. For any position within the Metropolitan Nashville Police Department, whether supervisory or non-supervisory, the Deputy Chief of Police may make any changes in personnel assignments wherein a close relationship exists, as described in this directive, where there exists a likelihood of, or the likelihood of a perception of, favoritism, conflict, or other circumstance that could lead to disruption in the work place

The Deputy Chief in the employee's chain of command shall make the final determination as to whether such relationship exists.

### **3.30.030 Seniority**

#### **A. Lost Time**

1. For the purpose of calculating seniority, accumulation of time lost due to being on leave without pay status or off the department payroll in excess of twenty cumulative working days in a calendar year will be deducted from employees' continuous service time in calculating their seniority for the purpose of these provisions. An exception may be granted by the Chief of Police in extraordinary or exceptional circumstances.
2. For sworn personnel, the lost time will be subtracted from the time in classification in which the lost time occurred.
3. For civilian supervisory personnel lost time will be subtracted from the total time within the supervisory classification. For all other civilian personnel, lost time will be subtracted from total time employed within the department. Military leave, beyond the fifteen working days granted each year will be calculated for seniority purposes, as per Rule 4.12 of the Civil Service Rules and shall be in compliance with the Veteran's Reemployment Rights Act.

The Human Resources Division of the MNPd shall maintain all seniority lists in accordance with these provisions and applicable rules, policies, and interpretations of the Metropolitan Government Department of Personnel.

**B. Sworn Personnel**

1. Police Officer, Sergeant, and Lieutenant will be allowed to use their seniority to bid for shift assignment. Police Officer I's will be given no preference as to shift or precinct.
2. For the classification of Field Training Officer (FTO), bidding shall be conducted in accordance with current policy governing FTOs.
3. In all other classifications of Police Officer (excluding POI), seniority will be calculated from the date of entrance into the MNPD Academy class from which that officer graduated. If a tie exists, then seniority will be determined by the employee's academic standing in the recruit class from which they graduated.
  - a. Anyone unable to continue in, or graduate from, a recruit class due to unexpected or emergency military leave will be credited with time lost for that purpose.
  - b. Time employed in any civilian classification will not be taken into consideration in calculating the seniority of any sworn personnel.
4. In all classifications of Sergeant or Lieutenant, seniority will be calculated by time within that classification. In a situation where a tie exists, then time in previous classification(s) will be utilized beginning with the most recent. Should a tie exist through the entrance date in the MNPD Academy, then seniority shall be determined by the employees' academic standing in the recruit class from which they graduated.
5. For the purposes of calculating seniority, any sworn personnel reduced in classification shall have all such time served in the previous classification, plus such time in the higher classification, counted as continuous time served in the present classification.

**Example:** an employee is promoted to Lieutenant after having five years as a Sergeant. After two years, the Lieutenant is reduced in grade to Sergeant and serves an additional three years. The employee has ten years in grade as a Sergeant.

**C. Civilian Personnel**

1. For the purpose of calculating seniority for civilian personnel, the classifications of Police Operations Supervisor, Computer



Operations Shift Supervisor, and Police Identification Supervisor will be calculated by time within said classification.

2. In all other civilian classifications, seniority will be determined by date of employment with the Metropolitan Police Department. If a tie exists, then seniority will be determined by the date and time on the application for employment.

### **3.30.040 Bidding**

- A. In any component where there is more than one assigned shift, there shall be an annual or bi-annual bid procedure.
- B. When possible, taking into account workload distribution requirements, employees will be assigned the shift of their preference on a seniority basis.
- C. In any component where there is more than one permanent assigned shift, all assigned employees will be allowed to bid on any shift in which there is an open position, but only within their classification. Additionally, employees assigned to The Community Services Bureau will be allowed to bid on any position within their Precinct/Division

### **3.30.050 Temporary Assignments**

- A. In order to carry out the mission of the department, it may be necessary from time to time to assign employees to a temporary assignment for a limited period of time.
- B. In order to update all personnel in new techniques and procedures, especially employees newly assigned to a section or unit, it may be necessary to place employees on a shift, other than their permanently assigned shift, for an appropriate period of time required for such training.

### **3.30.060 Hardships**

- A. Requests for shift or precinct due to hardship or for safety purposes may be granted administratively by the Deputy Chief (or the civilian equivalent) where the employee is assigned, on a case by case basis.
- B. Hardship requests shall be approved for a period of time not to exceed one (1) year. An employee may request that a specific hardship be renewed subject to the approval of the appropriate Deputy Chief (or the civilian equivalent).

- C. Requests for hardship consideration must be made in writing and submitted through the requesting employee's appropriate chain of command for approval. Requests for hardship shall include:
1. The nature of the circumstances resulting in the hardship;
  2. The anticipated length of time the hardship shall apply ; and
  3. The length of time for which the hardship is requested.

### **3.40 Transfer Selection Process**

#### **3.40.010 Purpose**

The purpose of this order is to establish departmental policy and procedure concerning the transfer selection process and guidelines used in selecting applicants for new or vacant positions, whether sworn or civilian. For each position, the posting shall include a defined set of criteria that the selection panel will use to fill the position.

#### **3.40.020 Definitions**

For the purpose of this order, the following words or terms shall be defined:

- A. **Appointed Position:** A position, sworn or civilian, that may require specific skill sets and is not required to be posted. Generally, appointed positions are filled by personnel already assigned within the component where the position exists.
- B. **Close Relationship:** For the purpose of this directive, “close relationship” shall include any relationship, past or present, whether by blood, marriage or other circumstance, wherein there exists a likelihood of, or the likelihood of a perception of, favoritism, conflict, or other circumstance that could lead to discord, distraction or disruption in the work place.<sup>1</sup>
- C. **Relative:** A member of the immediate or extended family that is related by blood or marriage.
  - 1. **Immediate Family:** Spouse, parent, children, siblings, grandparents, grandchildren, mother-in-law, father-in-law, daughter-in-law or son-in-law, legal guardians or dependents of the employee; step or half relations shall be given the same consideration as blood relatives of the same type.
  - 2. **Extended Family:** aunts, uncles, nieces, nephews, sister-in-law, brother-in-law of the employee.
- D. **KSAs:** Knowledge, skills, and abilities needed for a specific position.
- E. **Selection Standards:** A predetermined set of measures that provide a detailed list of objective criteria to be used in the selection process. The standards are defined so that an applicant knows what a selection panel may consider in their review of the applicant.

---

<sup>1</sup> See also current policy governing the bid process

- F. **Selection Panel:** A panel of persons knowledgeable of the duties of the position being filled that will assess performance, work history, and other selection standards to rank applicants and determine the candidate with qualifications and attributes that make them the best suited for the position. The panel should consist of at least one division supervisor, and one employee of the same rank and in the same or similar position as the open position. The panel shall, to the extent possible, represent the gender, race, and ethnicity of the city and department. The highest-ranking person on the panel will be designated as the chairperson of the panel. MNPDP Human Resources will provide guidance in the selection of panel members and evaluation methods to be used by the panel.

### **3.40.030 General Provisions**

- A. The purpose of the selection process is to promote the fair and equitable selection of applicants for positions within the police department. It will provide applicants with a defined set of standards so that an applicant can prepare himself/herself to be qualified for a preferred position. This will assist the department in filling positions with the most qualified person. It also allows an applicant who fails to meet criteria set forth in selection standards to improve his/her performance/behavior so that he/she might be better qualified for future openings by better understanding what KSAs are required for the position.
- B. The selection process will provide management with the tools necessary to make informed decisions when selecting personnel for positions within the police department. This is accomplished by providing measurable selection standards upon which to make those decisions.
- C. The selection standards shall remain consistent with functional job descriptions, and will only be modified if knowledge, skills, and abilities (KSAs) for a given position change so significantly that it no longer reflects the requirements of the position. Selection standards for all positions will be maintained in the Police Human Resources Division, and will be listed on each posting.
- D. For sworn positions other than patrol or appointed positions, the applicant shall have been employed as a Metropolitan Nashville Police Officer (defined as beginning at the time the applicant became a sworn member of the Police Department) for a minimum of three (3) years of uninterrupted service immediately preceding the date of the application for transfer.

Applicants for supervisory positions will have served in the same rank of the position for a minimum of (1) one year.

Employees who have not completed their most current probationary period and/or work test period are not prohibited from requesting a transfer. However, this factor shall be considered in evaluating the necessary knowledge, skills, and abilities for the requested position.

The disciplinary history of any employee considered for transfer or appointment shall be considered by the selection panel. With the approval of the Police HR Manager, minimum standards may be included within the vacancy announcement.

Specifically for the provisions of this directive, time spent by the employee for military service would be counted as uninterrupted service.

- E. For civilian non-supervisory positions, the applicant shall have completed their most current probationary period.
- F. Applicants for civilian supervisory positions will have served in the same classification of the position for a minimum of (1) one year immediately preceding the date of the application. An applicant may be excluded from this requirement if he/she possesses specialized knowledge and/or experience necessary for the position, and there is no other applicant with the minimum service requirement (e.g., Police Crisis Counselor, Research Analyst, and Helicopter Pilot).

Employees who have not completed their most current probationary period and/or work test period are not prohibited from requesting a transfer. However, this factor shall be considered in evaluating the necessary knowledge, skills, and abilities for the requested position.

- G. When an employee applies for multiple positions, a practice that is not prohibited, the department presumes that the employee has an equal interest and desire in each of the positions for which he/she has applied. Employees may withdrawal from the selection process at any time prior to the oral interview. Further, the employee may be selected for any of the positions and the selection for any position will not be deferred pending the completion of the selection process of any other position.
- H. When an employee is transferred to another area within the police department through a request he/she has submitted, that person

will not be eligible to request another transfer for a minimum of one year from the effective date of the transfer, unless the posting specifically states a greater minimum time requirement for that position. If an employee is assigned to a position for which they did not apply or the position was not posted, then the one-year period to apply for another posted position is not applicable.

- I. Applicants required to obtain training and/or certification after selection shall do so within a reasonable time to be determined by the Division Commander. Failure to do so may result in a transfer.
- J. In addition, administrative changes may be made to ensure the safety of the employee or the public. However, notwithstanding this directive or any other departmental procedure to the contrary and consistent with Metropolitan Charter, the Chief of Police establishes the transfer process set out in this order but shall retain the authority to assign up to fifteen percent (15%) of the total eligible departmental personnel in a calendar year.

#### **3.40.040 Specific Provisions**

##### **A. Selection Panel**

It shall be the responsibility of the selection panel to perform the following tasks under the direction of the bureau/division commander or civilian equivalent wherein the position exists:

- 1. Develop any oral or written tests, scenarios for presentation, or role-playing that is involved in the selection process.
- 2. Conduct a review of criteria established in the selection standards.
  - a. The selection panel shall be responsible for establishing the weight used for scoring each selection criteria for a given position. (Example: Written Exam 50%, Oral Interview 50%)
  - b. Weights assigned to each selection criteria will be determined in advance of any interview or examination and will be listed on all position postings after submission to Police Human Resources Division for approval.
  - c. The weights for the selection criteria may vary for different positions within the department; however, weights established for a specific position will remain constant for each applicant.

3. The chairperson shall document and maintain the interview, and/or examination material for each applicant.
4. Within thirty (30) days of the eligibility list being received by Police Human Resources Division, applicants will be given the opportunity to review the panel's results and the scores used in making the selection. An applicant who is not selected may also review the results and scores of the applicants that were selected for the position. The applicant should contact the member of the panel designated as the chairperson to obtain an appointment to review the results and criteria of the applicants selected for the position. This is allowed so that a comparison can be made to ensure fairness and so the applicant can see what is expected in future position openings.
5. The chairperson on the selection panel shall be responsible for notifying the applicants of their final rank after the conclusion of the selection process.
6. Make recommendations for modifications to the process as necessary. The Chief of Police will make all final determinations of any recommended modifications.

**B. Police Human Resources Division**

1. The Police Human Resources Division will ensure that selection standards for a specific position are listed on all position postings. The position will be announced on the Career Development electronic bulletin board, or on the Police Human Resources bulletin board for the duration of the posting.
2. The duration of postings is fourteen (14) calendar days, unless otherwise shortened, with all eligible parties notified.

**NOTE:** Employees applying for, or are eligible to apply for, a position shall not request the names of applicants for a posted position from Police Human Resource Division personnel.

3. Generally, the lifespan of an eligibility list will be four (4) calendar months.
  - a. An eligibility list may be rescinded with the approval of the Chief of Police or designee.

- b. An eligibility list may be extended with the approval of the Chief of Police or designee.
- 4. A representative from the Police Human Resources Division may sit as an observer during applicant interviews to ensure interviews are conducted in a uniform, fair, and impartial manner.
- 5. The Police Human Resources Division will maintain a current list of KSAs for all positions within the police department. Should changes become necessary for a KSA, the commander of the division in which the position is located will be informed. The commander will then cause changes to the selection standards to be made as necessary.
- C. All component commanders will be required to ensure selection standards for positions within their component are current and representative of the requirements for the position posted.
- D. It is in no way implied that a particular position is a permanent position. The Chief of Police expressly reserves the authority to create, delete, or temporarily leave vacant any position or assignment as the needs of the department dictates. Likewise, a particular position, which has become open, may remain vacant for any period of time deemed necessary.

#### **3.40.050 Appointed Positions**

Several positions within the police department are not posted positions, but are appointed positions. However, these positions may be posted to provide a suitable list of interested candidates. Examples of appointed positions include but are not limited to:

- A. Precinct Commander
- B. Precinct Investigative Supervisory Personnel (Sergeant and/or Lieutenant)
- C. Community Affairs Coordinator (Sergeant Position)
- D. FLEX (Officer or Supervisor)

#### **3.40.060 Federal/State Task Forces**

The Metropolitan Nashville Police Department participates in several federal/state task forces by providing MNPD personnel to work on assignment to selected federal agencies by agreement with the federal



agency assisted. The department is committed to these collaborations. They assist the department in achieving its goals by improving communications and information sharing among federal, state, and local agencies; allowing for the greater leveraging of limited resources; and serving as excellent training grounds for department participants.

Because of the excellent training, experience, and education provided to participants in these task forces, it shall be the policy of the MNPd to rotate the personnel participating in them. Assignments to serve in a task force position will be for a time period not to exceed forty-eight (48) months, unless approved by the Chief of Police or his/her designee. By rotating personnel on a regular basis, the opportunity to serve on a task force is provided to a greater number of MNPd personnel. Those personnel can come back to the department and share their knowledge, skills, and abilities improving the effectiveness and knowledge base of the department.

At the same time, the rotation schedule shall provide sufficient length of service on a task force so that participants are able to become proficient in their duties and provide an effective, efficient, and consistent level of service to the task force to which they are assigned.

Federal/state task force assignments are posted positions. Selection criteria for these positions will be listed on each position posting and maintained in the Police Human Resources Division.

Selection panels for task force positions shall also include a representative from the agency overseeing the Task Force wherein the position exists.

#### **3.40.070 Close Relationships/Relatives**

- A. Within the Metropolitan Police Department no employees who are relatives or wherein a “close relationship” exists should be placed within the same direct line of supervision whereby one employee is responsible for supervising the job performance or work activities of another employee.
- B. In no event will any employee be within two levels of the chain of command of a relative or any other employee wherein a close relationship exists with authority to supervise that employee, including participation in a performance evaluation and excluding emergency situations wherein the health, safety or welfare of the public are at risk.
- C. For any position within the Metropolitan Nashville Police Department, whether supervisory or non-supervisory, the Deputy Chief of Police

may make changes in personnel assignments wherein a close relationship exists, as described in this directive, where there exists a likelihood of, or the likelihood of a perception of, favoritism, conflict, or other circumstance that could lead to disruption in the work place.

- D. The Deputy Chief in the employee's chain of command shall make the final determination as to whether such relationship exists.

#### **3.40.080 Notification of Transfer**

Whenever possible, all personnel being transferred, whether at their own request or involuntarily, will be notified of the transfer at least five (5) calendar days prior to the transfer becoming effective. Though such notification is the preferred procedure, the Chief of Police or his/her designee shall reserve the right to make transfers without such notification when required for the good of the department, or with consent of the affected employee(s).

### **3.50 Employee Grievance**

#### **3.50.010 Purpose**

The purpose of this order is to establish provisions relative to the police department to facilitate the employee grievance procedure established in the Civil Service Rules.

#### **3.50.020 Definition**

A grievance is defined as follows:

An employee's claim that they have been adversely affected by a violation, misinterpretation, misapplication or non-application of a specific law, ordinance, resolution, executive order, Civil Service Rule or written policy.

#### **3.50.030 General Provisions**

- A. Employees and management should recognize that grievances can be helpful to an organization to call matters to the attention of officials when action is needed. If a grievance procedure is used properly, it can assist in establishing a harmonious and cooperative working relationship between employees of the Metropolitan Police Department. The grievance procedure is used to give every employee who has a grievance the opportunity to express themselves and to allow Metropolitan Government officials to take prompt action where needed.
- B. Every employee shall have the right to present his/her grievance under the provisions of the grievance procedures free from fear, interference, restraint, discrimination, coercion or reprisal. Any aggrieved employee or group of employees shall have the right to have reasonable representation of their choosing at all stages of the grievance procedure. If the grievance decision is appealed to the Civil Service Commission, representation will be in accordance with Civil Service Rules.
- C. The Metro Police Human Resources' Director is specifically tasked to track the process of all grievances, along with making certain all timelines are followed in each stage.
- D. A group of employees appealing a grievance to the Civil Service Commission without counsel shall designate one member of the group as spokesperson.

- E. All grievances must be filed within sixty (60) calendar days after the event giving rise to the grievance. Back pay shall not be awarded for any period earlier than six-months prior to the filing date of the grievance.

#### **3.50.040 Non-Grievable Matters**

- A. While the grievance procedure can be beneficial to the department, there are boundaries that must be set concerning issues that are not grievable. These boundaries are set in order to maintain the efficient operation of the Metropolitan Police Department and to prevent the obstruction of its goals and objectives.
- B. The list found below outlines subject areas which are considered to be non-grievable. Complaints concerning these areas must not be filed as grievances by employees, nor may they be accepted as grievances by supervisors. If accepted it can be ruled non-grievable later by the Chief of Police or the MNPd Human Resources Division. Management should attempt to resolve these types of complaints through routine procedures, in that complaints of this nature will usually involve an established rule or policy. Employees should be encouraged to suggest revisions to a rule or policy to the MNPd Human Resources Division at any time. Non-grievable issues include:
  - 1. Changes or requests for changes in the approved pay plan or approved benefits;
  - 2. The merits of any uniformly applied personnel practice, policy or procedure established by laws, ordinance or Civil Service Rule;
  - 3. Reductions in the work force;
  - 4. Management rights to schedule and organize work, to make work assignments, and to prescribe methods and procedures by which work is performed, unless otherwise provided in these rules; and
  - 5. Complaints alleging discrimination or other violations of applicable EEO laws must be filed as discrimination complaints and will be processed in accordance with the EEO Complaint Procedures described in the Civil Service Rules.
- C. In the event of a disagreement as to whether a complaint is grievable within the scope of this procedure, the employee may, by written request, ask the Director of the Human Recourses of the Metropolitan Government to make the determination.

### **3.50.050 Grievance Procedures**

#### **A. Stage I: Written Complaint to MNPD Human Resources Coordinator**

1. The first stage of any grievance consists of the employee's written complaint form to MNPD Human Resource Coordinator.
2. Written presentation shall be made by submitting a Employee Complaint Form (Located on the MNPD Intranet Site) and must contain detailed information on how the employee has been adversely effected by:
  - a. violation;
  - b. misinterpretation;
  - c. misapplication; or
  - d. non-application of a specific law, ordinance, resolution, executive order, Civil Service Rule or written policy.
3. The MNPD Human Resource Coordinator shall cause the grievance submitted to be assigned a tracking number that shall be recorded on the original document and any attachments.

**NOTE:** All documents, including letters and/or memorandums submitted by the employee filing the grievance, must have the assigned departmental control number recorded on the documents before submitting through the chain of command.

4. The MNPD Human Resource Coordinator shall promptly consider the complaint and determine if the matter is grievable as outlined in Article 3.50.040 of this directive.
5. The MNPD Human Resource Coordinator shall take the appropriate action to resolve the grievance or to deny the grievance. He/she shall take action and/or notify the employee of his decision in writing within ten (10) calendar days of receipt of the written complaint. The notification shall include:
  - a. Description of the matter under grievance;
  - b. Date and time reviewing supervisor received notification of grievance;
  - c. Reviewing supervisor's determination of status of grievance (grievable or non-grievable);
  - d. Facts supporting reviewing supervisor's determination;
  - e. Employee's approval or disapproval of reviewing supervisor's decision; and

- f. Any deadline date for response.

**NOTE:** Notification should be made through the departmental email system or by hand delivering the notification as soon as feasible. Inter-Departmental mail should not be utilized due to the time restrictions for each stage of the grievance process.

- 6. The MNPDP Human Resource Coordinator shall take action and/or notify the employee of their decision, in writing, within ten (10) calendar days of the submission date of the grievance.
- 7. The employee shall acknowledge the MNPDP Human Resource Coordinator's decision by signing the Grievance Report where indicated.
- 8. If the complaint is grievable and cannot be resolved between the employee and the MNPDP Human Resource Coordinator, the employee may proceed to Stage II.

**B. Stage II: Appeal to Appointing Authority**

- 1. The employee must write a letter to the Chief of Police stating his/her complaint/grievance and requesting to proceed to Stage II. The letter must be received by the Chief of Police within ten (10) calendar days of receiving the MNPDP Human Resource Coordinator's decision.
- 2. Once received, the Office of the Chief of Police shall time stamp and forward the employee's original request to proceed to Stage II to the MNPDP Human Resources Division and a copy to the requesting employee's Deputy Chief or Bureau Commander.
- 3. The Deputy Chief or Bureau Director of the Bureau of the employee having the grievance shall provide a separate review of the grievance, prepare a report, and forward a copy of the review to the Chief of Police. The original report shall be forwarded to the MNPDP Human Resources Division. This report may also include additional recommendations for disposition of the grievance.
- 4. The Chief of Police or designee shall attempt to resolve the grievance and shall send a letter to the employee, within ten (10) calendar days of receipt of the written appeal confirming any agreed upon resolution.

5. The Chief of Police or designee will notify the employee within the same time period that he may appeal the decision to the Civil Service Commission.
6. If there is no resolution acceptable to both parties, the Chief of Police shall notify the MNPd Human Resource Coordinator.
7. If the employee is not satisfied with the Chief of Police's final decision, he/she may appeal this decision to the Civil Service Commission. A hearing will then be scheduled with an Administrative Law Judge assigned by the TN Secretary of State's Office. The decision of the Judge will be reviewed by the Civil Service Commission under the same procedures as for disciplinary appeals.
8. The request must be made in writing to the Director of Human Resources for the Metropolitan Government within ten (10) calendar days following receipt of the Appointing Authority's final decision. The Director of Human Resources for the Metropolitan Government will schedule a date for the hearing and will notify all parties.

#### **3.50.060 Final Decisions and Orders**

- A. A grievance may be settled, in whole or in part, at any time during the grievance procedure.
- B. A final decision or order in a grievance review shall be in writing and stated in the record.
- C. A final decision shall include findings of facts and reasons for the ultimate decision.
- D. Parties shall be notified in writing either personally or by mail of any decision or order and such written notice shall include a statement of a party's right to administrative or judicial review.
- E. A copy of the decision or order will be delivered or mailed to each party or to his/her representative of record.

#### **3.50.070 Enforcement of the Grievance Decision**

- A. After a decision has been rendered in settling a grievance, the decision shall be placed into action as soon as possible.

- B. If there is an unusual delay in placing the decision into effect, the employee may seek the reasons for the delay from the Chief of Police.
- C. If no satisfactory answer is obtained and/or the delay continues, the employee should present the matter to the Director of Human Resources of the Metropolitan Government. Full information will be presented which will enable the Director of Human Resources to implement the decision.
- D. If for any reason this action is unsuccessful, the Director of Human Resources for the Metropolitan Government will direct this matter for enforcement to the attention of the Civil Service Commission.

**3.50.080 Miscellaneous**

**A. Time Limitations**

- 1. The time constraints referred to throughout this order were included to assure a swift yet fair grievance process. They may be extended by mutual agreement. The time limits are to be strictly observed.
- 2. In the event a grievance is not filed or is not appealed by the employee within the specified time limit, at any point in the grievance process, the matter will be considered as having been accepted by the employee or settled on the basis of the last disposition.
- 3. In the event a grievance is not answered within the specified time limit, the employee may appeal the grievance to the next step in the process.

**B. Hours/Compensation**

- 1. Any employee officially involved in the handling of a grievance will be considered on official duty during their normal working hours. This will include the employee filing the grievance, their representative, any employee assigned to the investigation, and any employee called as a witness.
- 2. All hearings, investigations, and settlements of grievances shall be processed during regular working hours whenever possible.
- 3. All grievances shall be settled in accordance with the provisions of these procedures and there shall not be any undue interruptions, interferences or work stoppages.



**C. Witnesses**

1. Metropolitan Government employees who have direct, firsthand knowledge of the specific event or circumstances giving rise to a grievance may be required to give evidence at any step of the grievance procedure.
2. The number of witnesses will be limited to those necessary for a fair presentation of the grievance.
3. When there appear to be unnecessary witnesses the Chief of Police will hold a pre-hearing conference with the employee and/or their representative to discuss the necessity of each witness.
4. When several witnesses are testifying to the same incident or circumstances or there are numerous character witnesses, the witnesses will be limited to a reasonable number.

**D. Burden of Proof**

The employee will bear the burden of proof in all grievance proceedings.

**3.50.090 Record Provisions**

- A. All original grievance reports (and attachments) will ultimately be forwarded to the MNPd Human Resources Division where they shall be maintained in a secure grievance file, regardless of what stage of the process was completed.

1. Pending any further disposition initiated by the employee; or
2. As a matter of record.

**NOTE: Only the latest original copy of the report (and attachments) need be maintained for record purposes.**

- B. As part of the grievance process, in order to maintain a ready reference as to the types and numbers of grievances filed, the Human Resources Division will maintain an on-going summary report of all grievances filed to include:

1. The assigned tracking number;
2. Employees involved;
3. Classifications and assignments; and
4. The nature and disposition of each grievance.

- C. At the beginning of each calendar year the Bureau Director of the Human Resources Division shall cause a summary report of all grievances filed and processed in the previous year to be submitted to the Chief of Police, or a designated representative, for review and analysis.

The purpose of such review and analysis is to determine if any adjustment or changes in the department's standard operational procedures, regulatory provisions, training, or other established practices may be needed in order to minimize employee grievances.

### **3.60 Attendance, Time Accounting and Compensation**

**Reference:** Fair Labor Standards Act, Civil Service Rules, Family Medical Leave Act

#### **3.60.010 Purpose**

The purpose of this order is to structure an accurate time accounting system to ensure compliance with the appropriate Federal and State laws and the Metropolitan Civil Service Rules as they apply to employees of the Metropolitan Police Department. In addition, this order offers guidance and direction for supervisors and employees.

#### **3.60.020 Policy**

It shall be the policy of the Metropolitan Police Department that all employees adhere to the provisions within this order concerning time accounting, compensation, and related practices. Failure to adhere to these standards may be cause for disciplinary/corrective action.

#### **3.60.030 Personnel Distinctions**

##### **A. Top Level Management Personnel**

As a condition of employment, top level management personnel are not eligible for overtime, compensatory time, or holiday pay. Top Level Management are referred to as Administrative Personnel in the Fair Labor Standards Act and a listing of those MNPd classifications is maintained in Police Human Resources.

##### **B. Exempt Personnel**

Exempt personnel are not subject to the overtime requirements of the Fair Labor Standards Act because they perform the duties of a classification determined not to be covered under the act. They shall receive compensatory time, at straight time, for extra time worked. Compensatory time earned by exempt employees shall be accrued on a calendar year basis. The accrued time must then be used by June 30th following the year it was earned or forfeited on that date. Exempt employees will not be paid for unused compensatory time except when laid off. A listing of these MNPd classifications is maintained in Police Human Resources

C. Non-Exempt Personnel

Non-exempt personnel are subject to the overtime requirement of the Fair Labor Standards Act because they perform the duties of a classification determined to be covered by the act. They may elect to be compensated for extra hours worked by pay or by accruing compensatory time. Election of compensatory time must be voluntary on the part of the employee. Extra time compensation for non-exempt personnel will be calculated at straight time or time and one-half depending on the type of leave taken during a 28/7 day work period.

A sworn non-exempt employee may accrue up to four hundred eighty (480) hours of compensatory time. A civilian non-exempt employee may accrue up to two hundred forty hours of compensatory time. Anything over the 480/240 hours maximum must be paid. All compensatory time "earned" should be taken within four months after the end of the calendar year in which it was accrued ( i.e., by April 30th of the following year). Any compensatory time not taken by April 30th of the next year will be paid no later than May 22nd of that year. Employees will be paid at their regular rate of pay as of April 30th.

D. School Crossing Guards and School Crossing Guard Supervisors

School Crossing Guards and School Crossing Guard Supervisors may receive extra time pay for hours worked in excess of scheduled hours at straight time pay until the forty hour limit in a seven day work period is exceeded. Any time worked in excess of forty (40) hours in a seven (7) day work period will be paid at time and one-half. If a holiday is worked, they will receive time and one-half for the hours worked. They will not receive a floating holiday and do not have the option to choose compensatory time.

In the event a Crossing Guard is paid IOD time that has been approved by Safety it will be paid as taxable IOD and paid at 3 hours per day.

Crossing Guards can also refer the SOP for the Crossing Guard Division.

E. Essential/Non-Essential Personnel

An employee will be considered essential/non-essential personnel due to an event, holiday, hazard, or weather condition, etc. The decision to classify an employee essential or non-essential will be made by the affected employee's bureau commander.

F. Secondary Employment

Specific guidelines covering employee compensation for secondary employment hours worked are covered in current departmental policy governing secondary employment.

**3.60.040 Work Periods**

A. Work Period

For the purpose of computing overtime compensation:

1. Sworn personnel will be assigned to a twenty-eight (28) day/one hundred seventy (170) hour work period. The work period begins on Monday and ends on Sunday. The first one hundred seventy hours (170) "worked" are compensated at a straight time rate.
2. Non-sworn personnel will be assigned a seven day (7) / forty (40) hour work period. The work week for non-sworn begins on Monday and ends on Sunday.
3. The MNPd utilizes the Twenty-four hour Military Style Time Keeping Method when recording time for official time accounting and all other reporting purposes. See figure 1.1 below for conversion chart.
  - a. The twenty-four hours of the day are designated in chronological order, 0100-2400 hours.
  - b. Whole hours (1:00, 2:00, and 3:00) are expressed in designations of hundreds. 1:00 am is expressed 0100 hundred hours, 2:00 am is 0200 hundred hours, and continues on through 12:00 Midnight which is expressed as 2400 hours.
  - c. Any portion of an hour is expressed in tens and ones place. Therefore, 1:25 AM is 0125 hours.

**FIGURE 1.1 Standard Time to Military Time Conversion Chart**

<u>Standard</u>	<u>Military</u>	<u>Standard</u>	<u>Military</u>
12:01 AM = 0001 Hours		12:00 NOON/PM = 1200 Hours	
12:30 AM = 0030 Hours		12:30 PM = 1230 Hours	
1:00 AM = 0100 Hours		1:00 PM = 1300 Hours	
2:00 AM = 0200 Hours		2:00 PM = 1400 Hours	
3:00 AM = 0300 Hours		3:00 PM = 1500 Hours	
4:00 AM = 0400 Hours		4:00 PM = 1600 Hours	
5:00 AM = 0500 Hours		5:00 PM = 1700 Hours	
6:00 AM = 0600 Hours		6:00 PM = 1800 Hours	
7:00 AM = 0700 Hours		7:00 PM = 1900 Hours	
8:00 AM = 0800 Hours		8:00 PM = 2000 Hours	
9:00 AM = 0900 Hours		9:00 PM = 2100 Hours	
10:00 AM = 1000 Hours		10:00 PM = 2200 Hours	
11:00 AM = 1100 Hours		11:00 PM = 2300 Hours	
11:55 AM = 1155 Hours		12:00 PM = 2400 Hours	

**B. Scheduled Hours**

1. Scheduled duty hours are hours listed on the daily timesheets that are the normal assigned work hours for the personnel involved.
2. All sworn personnel are normally scheduled to work an 8.5 hour shift. Since sworn personnel are subject to call during the thirty (30) minute meal period, it will be considered as time worked for the purpose of calculating overtime. In some situations (i.e., recruit training, etc.), sworn personnel may be scheduled for shifts in excess of 8.5 hours. In these instances, a non-interrupted meal

period will be provided so that the actual working time will not exceed 8.5 hours.

3. All non-sworn personnel are normally scheduled to work an eight (8) hour shift even though the starting and ending time on the daily timesheet will indicate a period of eight (8) and one-half hours, due to a thirty (30) minute meal break. If non-sworn personnel are required to work during the meal period, the employee will receive extra time compensation. The electronic overtime form submitted in workbrain should indicate the actual time worked.

4. Non-Exempt Civilian Personnel Meal Breaks

- a. All non-exempt civilian personnel assigned to an 8.5-hour work shift shall take a thirty-minute meal break each day.
- b. Supervisors should encourage non-exempt civilian employees on a meal break to leave their work area. Employees on a meal break, especially those who choose not to leave their work area, shall not be allowed to perform any work related functions (i.e., answering phones, etc.) during these thirty minute meal break periods.

5. Supervisors Work Shift Responsibility

Supervisory personnel who have been assigned to report to work before the start of their regularly scheduled duty shift to handle worksheet entry, vehicle assignments, roll call training/shift briefing preparation, etc., will have their regular duty shift hours adjusted. Shift commanders will report for duty thirty minutes before roll call. Sergeants will report fifteen minutes before roll call.

**EXAMPLE:** A patrol shift normal duty hours are 0630 hrs. – 1500 hrs. The shift commander would report at 0600hrs and work through 1430 hrs. The shift sergeants would report at 0615hrs and work through 1445hrs.

C. Regular Days Off

1. All personnel should be assigned two (2) days off a week. Due to workload requirements, regular days off may be changed or split for a given week when necessary.
2. Non-sworn personnel on an eight (8) hour shift should have two (2) days off in a week (Monday – Sunday)

### 3.60.050 Compensation

#### A. Pay Periods

1. Employees are paid twice a month. The first pay period is from the first of the month through the fifteenth. Payment for the period is on or before the twenty-second of the month.
2. The second pay period begins on the sixteenth of the month and runs through the last day of the month. The second pay period is paid on or before the seventh day of the following month.
3. Extra time will be paid as follows:
  - a. All overtime hours worked in the pay period shall be paid as regular hours on that pay period check. The remaining balance shall be paid as .5 of the total number of overtime hours on the pay check completing the 28-day cycle.

**EXAMPLE:** Officer Jones works four (4) hours of overtime during the pay period for the first half of the 28-day cycle. Officer Jones' pay check for that pay period (1<sup>st</sup> through the 15<sup>th</sup>) would reflect his regular duty hours plus four (4) overtime hours paid at straight time. Officer Jones' paycheck for the end of the 28-day cycle (16<sup>th</sup> through the last day of the month) would reflect his regular duty hours plus four (4) hours paid at half his hourly rate ( $4 \times .5 = 2$  hours), providing he was not listed in an unpaid status anytime during the 28-day pay cycle.

- b. All overtime hours worked during the pay period ending the 28-day cycle would be paid in the same manner on that pay check

**EXAMPLE:** In the EXAMPLE above, if Officer Jones worked an additional two (2) hours overtime during the pay period ending the 28-day cycle (16<sup>th</sup> through the last day of the month): His pay check for that pay period would reflect his regular duty hours plus two (2) overtime hours paid at straight time. Additionally his paycheck would reflect six (6) hours paid at half his hourly rate ( $6 \times .5 = 3$  hours), providing he was not listed as sick, sick family, or in an unpaid status anytime during the 28-day pay cycle.

Pay Schedules will be sent out before every payroll to identify what is being paid on each check.



B. Straight Time

Straight time includes regular hours actually worked and can include extra time and compensatory time during a specified work period if time is reduced in the pay cycle.

C. Half Time

Half time is paid for any extra hours actually worked in excess of the one hundred seventy(170)/forty (40) hours in a twenty-eight/seven day work period if the time is not reduced to straight time by the employee being in an unpaid status during the twenty-eight (28)/seven (7) day cycle. See 3.60.050, A, 3 above.

D. Shift Differential

Shift differential pay shall be paid for regularly scheduled non-overtime hours worked by regular full time employees who work one-half or more of their shift after 1800 hours on the evening shift; or 0200 hours on the night shift. Current shift differential rates may be found in the current Civil Service Rules.

E. Actual Hours Worked

1. The hours listed on the daily timesheets, as submitted, are considered the actual hours worked (the actual "on duty" time).

**Note:** The only exception to this is a Call Out or Court Time where minimum hours are applied. Time scheduled as Vacation, Holiday, Injury In-Line of Duty, Jury Duty, Administrative Assignment, Fraternal Order of Police Youth Camp, bereavement leave and Personal Leave Days shall be construed as actual hours worked for the purpose of calculating overtime and compensatory time.

2. The hours listed on the daily timesheets, for FLSA management and exempt employees, are for data entry purposes only and may not be the actual hours worked.

**3.60.060 Overtime Hours**

A. Extra Time

Any additional, non-scheduled hours worked will be considered extra time. This includes working before or after the end of a shift, working days off, call outs, call backs, court time, etc.

Some regularly scheduled special event and/or grant related hours worked may also be considered extra time for the work period.

**B. Extra Time Constraints**

The decision to work extra time rests within the sound discretion of the employee initiating the work but should be confirmed by an immediate supervisor if possible. In any situation where it can be anticipated that the working of extra time will be necessary, prior arrangements will be made with supervisory approval. Supervisors shall be responsible for monitoring the extra time worked by their personnel during a work period and determine whether or not it is excessive. Whenever a supervisor requires an employee to complete an assignment (i.e., attend meeting, receive counseling from PASS, obtain a warrant) that necessitates working during non-scheduled duty hours, the supervisor should adjust the employees shift so that this assignment does not require additional compensation, if possible.

**C. Electronic Overtime Form**

1. Electronic overtime form in workbrain, shall be completed for all non-scheduled work hours. All extra time worked must be properly recorded on this form and forwarded to the employees supervisor via workbrain. It will be considered a violation of this order to record extra time worked in any other manner. All personnel working extra time will be responsible for initiating this electronic overtime form and sending it to a supervisor for verification via workbrain. Employees shall enter this electronic overtime form to their immediate supervisor as soon as possible for final approval. This form shall be submitted in workbrain within twenty-four (24) hours of the work being completed as backup for other agency billing reconciliation purposes.
2. The total extra time worked will be listed to the nearest minute by the employee. All personnel must indicate if a meal period is taken in the appropriate space on the electronic overtime form.
3. In the "Claimants Reason for Extra Time" section of the electronic overtime form, the appropriate overtime job code shall be listed for budgetary reasons. When the extra time worked necessitates a court appearance, the employee will enter the proper identification code number on MNPd Form 218, Court Appearance Time Card, when clocking in for court and not on an Extra Time Voucher. The code number will be entered into workbrain.

4. Hard Copies of MNPd Form 325 should be used for Crossing Guards and counselors required to be reimbursed for call outs.

#### D. Call Outs/Call Backs

A call out occurs when an employee is contacted and advised to report to duty during non-scheduled hours and is relieved of duty prior to the start of a regular shift. Reporting to work early, working late, or being notified in advance of a duty assignment is **not** a call out since it requires only one round trip to and from work. A minimum of two (2) hours compensation shall be given for each call out unless the actual time overlaps your scheduled work hours or previous call outs.

**EXAMPLE:** An Employee receives a call out at 0700 hours when their scheduled work period begins at 0800 hours. The employee shall be paid for one (1) hour call out pay.

#### E. Telephone Calls

When an employee receives a telephone call or returns a page concerning their job assignment at the department during non-scheduled hours, the employee may be compensated for thirty (30) minutes or the time actually spent, whichever is greater. This time shall be submitted electronically via workbrain using the electronic overtime form. As with other forms of overtime compensation request, supervisors shall monitor these submissions for possibilities of abuse.

#### F. Daylight Savings Time

The time accounting application automatically updates for the beginning and end of Daylight Savings Time. At the end of Daylight Savings Time, employees working between 0200 and 0300 automatically receive an extra hour of pay for that time.

#### G. Excess Scheduled Duty Hours

When an employee is assigned more than one hundred seventy (170)/forty (40) hours within their work period, all excess time will be treated as overtime.

#### H. Off-Duty Traffic Stops

Sworn personnel issuing traffic citations during non-scheduled hours may receive ten minutes extra time per traffic stop. An electronic overtime form must be completed and processed through workbrain.

I. In-Service Training/Specialized Training

1. Personnel attending In-Service Training (IST) are assigned a duty period of 0700 to 1600. **Supervisors are responsible for making the necessary adjustments to days off so employees receive their eight (8) days/two (2) days off during the twenty-eight (28)/seven (7) day work period.** No overtime for in-service training shall be requested or approved. The supervisor should adjust an employee's schedule to compensate for additional time. All personnel undergoing training for the department will be compensated the same as for their regular tour of duty.
2. Employees attending training sessions scheduled for less than a full working day shall report back to their duty assignment if their regular shift is in progress. **Supervisors are responsible for making the necessary adjustments to days off so employees receive their eight (8) days/two (2) days off during the twenty-eight (28)/seven (7) days work period.** Days off shall be adjusted to reduce overtime. Extra time for completion of individual assignments will be authorized only when the assignment is mandatory and sufficient time to complete it is not provided during the regular training session.

J. Transporting Prisoners

1. Personnel traveling to another jurisdiction to transport prisoners on a regular scheduled work day will receive a minimum of eight (8) and one-half hours if held overnight. Personnel transporting prisoners back to Nashville from another jurisdiction on a regular scheduled work day will report to their duty assignment if their regular shift is in progress at the completion of their assignment. Personnel transporting prisoners on a regular day off will receive time for only those hours worked. Employees held over in another jurisdiction on a regular day off will receive eight (8) and one-half hours extra time.
2. All overtime hours must be reported using an electronic overtime form through workbrain. Days off shall be adjusted to reduce the necessity for overtime, when feasible.

K. Court Time

All non-exempt sworn personnel and all non-sworn GS-10 and below whether exempt or non-exempt appearing in court, before the Grand Jury, or other official appearance on behalf of the Metropolitan

Government, will be compensated at straight time or at time and one-half, depending on the total hours actually worked during the specific work period. They may elect to be compensated for court time by pay or by accruing compensatory time.

1. Employees will receive at least a two (2) hour minimum for the first court appearance starting or ending more than two (2) hours before or after their scheduled shift hours worked. All other additional court appearances occurring on that day will be compensated at actual time.
2. Court appearances starting within two (2) hours of an employee's shift start time will be considered continuous time and the employee will be compensated from the start time of the court appearance to the start time of the shift.
3. Court appearances ending within two (2) hours of an employee's shift end time will be considered continuous time and the employee will be compensated from the end of the shift time to the end of the court appearance.
4. No court time shall be accrued for all or any portion of the appearance occurring during regular working hours.
5. Employees electing to accrue compensatory time for court appearances will indicate this by writing "COMP" on their court appearance time card.

Please reference Chapter 3.70 Court Appearance, for additional information.

#### **L. Holidays**

With the exception of Top Level Management Personnel, employees of the department scheduled to work a holiday shall be compensated an additional one-half times their regular rate of pay for all hours actually worked on the holiday (EXAMPLE: sworn personnel who work their regular scheduled shift ( 8.5 or 10.5) will receive their full shift hours at half time, non-sworn personnel who their regular scheduled shift ( 8 or 10) will receive eight (8) or ten (10) hours half time). Employees will also receive a floating holiday. The floating holiday will be equal to the number of hours actually worked during the employee's scheduled work hours.

#### M. Celebrated Holidays

Except for employees required to maintain essential operations, holidays that fall on Sunday will be observed on the following Monday and holidays that fall on Saturday will be observed on the Friday before, by those employees working Monday through Friday. Holidays will be observed in a similar manner by employees with days off other than Saturday and Sunday.

**EXAMPLE:** When an employee's regular days off fall on Tuesday and Wednesday and a holiday falls on Tuesday, that employee will observe the holiday on Monday. If the holiday falls on Wednesday, that employee will observe the holiday on Thursday.

#### N. Consecutive Holidays

On those occasions when Christmas Day falls on Monday, the Christmas Eve holiday will be observed on the Tuesday following Christmas Day. On those occasions when Christmas falls on Saturday, the Christmas holiday will be observed on the subsequent Monday. On two (2) days holidays (Thanksgiving & Christmas) observance of the holiday will be as follows, for employees who do not work Monday through Friday. If a holiday is observed on an employee's day off, the employee may be scheduled for a floating holiday during the week.

**EXAMPLE:** When an employee's first day of days off falls on the holiday then the holiday will be observed on the day before. If the second day, of the days off, falls on the holiday then the holiday will be observed on the day after. If both days off fall on the holidays, then the holidays will be observed on the day before and the day after regular days off.

O. Observed Holidays

New Year's Day	January 1st
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Veterans Day	November 11th
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Eve	December 24 <sup>th</sup>
Christmas Day	December 25th

P. Extracurricular Activities should be marked Admin leave w/pay

Personnel participating in activities other than their regular scheduled assignment will not be credited with hours worked even though they may be associated with the department. An EXAMPLE of this would be attending a credit union meeting, playing softball, and Special Olympics. At the discretion of the Chief of Police, employees may be carried in a temporary special assignment (TPSPA) status. This would not apply where employees are assigned to an activity for legitimate law enforcement purposes.

Q. Reduction of Overtime

The following timesheet designations will reduce overtime: sick, compensatory time, administrative leave with pay, military training leave, military leave, late to work, leaving early from work, leave without pay, absence without authorized or approved leave, docked, suspended, Family Medical Leave when using sick time, and Family Medical Leave without Pay. Paid Family Leave

R. Requests for Payroll Issued Documents

Any requests for copies of W-2's or Pay Stubs will need to be made in writing. These requests could take up to one (1) week to process.

### **3.60.070 Utilization of Available Time**

When an employee is excused from duty, their available time will be used in the following order:

- A. Compensatory Time;
- B. Personal Days;
- C. Holidays - When an employee is working on the day of the employee's holiday, the next time the employee is excused, the earliest accrued holiday will be utilized; then
- D. Vacation Days.

### **3.60.080 Types of Paid Leave**

Paid leave consists of Compensatory Time, Personal Days, Holidays, Vacation Leave, Sick Leave, Sickness in Family Leave, Jury Duty, Bereavement Leave, Administrative Leave, Military Training Leave, In-Line-of-Duty-Injury, some forms of Family Medical Leave and Fraternal Order of Police Youth Camp.

#### **A. Compensatory Time**

- 1. When an employee elects to receive compensatory time, he/she receives time and one half the time worked, providing he/she was not listed as sick, sick family, excused or in an unpaid status anytime during the 28-day pay cycle. In such cases, the compensatory time shall be reduced to straight time accordingly.
- 2. When compensatory time is earned and used in the same pay period, the employee will not receive credit for the half time. The half time is added after the pay cycle is closed.
- 3. When compensatory time is used and the employee has overtime pay in the same pay period, overtime pay will be reduced the amount of time equal to the compensatory time used.

#### **B. Personal Days**

Employees receive three (3) personal days at the beginning of each year, prorated if the employee leaves the department at the beginning of the year. These days cannot be carried over to the next year. New employees hired in January, February, March or April will receive three (3) personal days in that year. If hired in May, June, July or August employees will receive two (2) personal days in that year. If hired in September, October, November, or December employees will receive one (1) personal day in that year.



C. Holidays

Employees earn eleven (11) holidays a year, depending on when hired and if the employee is in a paid status the day before and day after a holiday. These days may be utilized as they are earned, depending on days off. See Holiday Schedule for additional information.

D. Vacation (EXC)

Employees whom are employed a full year and are in a paid status will accrue twenty (20) vacation days a year. These days are not available for use until the following calendar year. Employees are allowed to carry over into the next calendar year forty (40) days and the last four (4) holidays of the year (two (2) for Thanksgiving & two (2) for Christmas). Employees taking a service pension can accrue and be paid a maximum lump sum payment for sixty (60) days. If an employee's hire date is less than a full year then the maximum annual vacation days will be pro-rated based on the hire date.

E. Sick Leave (SK)

1. Employees earn one (1) sick day a month if in a paid status (up to twelve (12) sick days a year). Employees hired after July 1989 may accrue a maximum of one hundred twenty days (120). Employees hired before July 1989 may accrue two hundred days (200). A Sick Leave Request & Certification (MNPDP Form 362) signed by a physician, shall be required for any sick leave absence in excess of five (5) consecutive work days unless the employee is on FMLA. This form shall be submitted through the chain of command for approval and then placed in the employee's medical file in the Police Payroll Section.
2. If an employee's sick leave spans ten (10) or more working days, they are required to present a physician's certification (MNPDP Form 362) which shall include the date the employee is anticipated to return to work unless the employee is on FMLA. If necessary, an additional physician's certification shall be required every ten (10) days thereafter until the employee returns to work unless they are on FMLA.
3. Supervisors with employees who do not submit the required documentation in a timely manner shall not approve use of sick leave. The employee shall be marked AWOL (absence without authorized or approved leave) until the proper documentation is submitted.

4. Supervisors may require a physician's certification (MNP Form 362) for any number of sick days taken when there is an indication or suspicion of an abuse of sick leave. (EXAMPLE: An officer who request to be marked excused, the request is denied and the officer calls in sick) This form should be submitted through the chain of command.
5. On occasion, supervisors will have to determine (on a case by case basis) if an employee will be allowed to use excused time if they call in sick. If the employee cannot come to work then the supervisor has the authority to enter "EXC" on the timesheet if the employee has excused time available. However, the supervisor will notify the employee immediately of this action. If deemed appropriate, the supervisor may request the employee present a Sick Leave Request & Certification Report (Form 362) upon their return to work.
6. The above practice shall not be permitted in situations where the employee is calling in sick to circumvent the system (i.e., the calendar is full but the employee wants off so they call in sick, with no sick time, knowing that excused time will be used) or the supervisor believes that is the case. This request should be denied and the employee marked AWOL because they are absent without AUTHORIZED leave. The employee should immediately be advised of the consequences of being Absent With Out Leave.
7. A supervisor does not have the authority to approve use of excused time or sick time when the employee has exhausted all of their available time. If the employee does not report they will need to be marked AWOL.
8. Supervisors are encouraged to monitor the number of sick and vacation days available for their subordinates, although the ultimate responsibility for this knowledge is with the employee. It is a good practice for supervisors to counsel with those employees who are in danger of exhausting any type of available time and advise them of the possible consequences. Supervisors will be held accountable to the chain of command for knowingly marking an employee sick or excused when the employee has no time available and may, themselves, be subject to disciplinary action.

F. Sick Family Leave (SKF)

Up to five (5) days in a calendar year may be used for the illness of an employee's spouse, parent, or child who lives in the employee's

household or for whom the employee is the primary caretaker. When this type of leave is used, the relationship of the family member must be indicated in the "comments" section on the timesheet. These days will be included in the total of the twenty (20) sick days that you may use for FMLA leave.

G. Jury Duty (JD)

Jury duty shall be charged as time worked. Employees shall retain the per diem received for jury duty. The employee should obtain a form or letter completed by the court clerk's office and return them to his/her immediate supervisor. These forms are to be kept on file in the employees Section (Unit) Personnel File.

H. Bereavement Leave (BRL)

In the event of a death in an employee's immediate family, the employee shall be granted five (5) consecutive paid working days for a 8.5 hour shift employee or four (4) consecutive paid working days for a 10.5 shift employee. An employee may be granted up to one (1) full work shift for an 8.5 hour employee or 8.5 hours for an 10.5 hour person to attend the funeral of a member of the extended family. When this form of leave is used, the relationship of the family member must be indicated in the "comments" section on the timesheet. Family members are defined as the following:

1. Extended Family: aunts, great aunts, uncles, great uncles, nieces, nephews, sister-in-law, brother-in-law of the employee.
2. Immediate Family: spouse, parent, children, siblings, grandparents, grandchildren, mother-in-law, father-in-law, daughter-in-law, or son-in-law, legal guardians or dependents of the employee; step, great, and half relations shall be given the same consideration as blood relatives of the same type.

It shall be the responsibility of the employee's supervisor to complete and forward MNPd Form 011, "Hospitalized and Deceased Employees Report", to the Office of the Chief of Police. A verbal report will also be made through the chain of command so all commanders in the bureau are notified. The information will be provided to employees by the Office of the Chief of Police via email.

I. Administrative Assignment

When an employee has been approved by the appointing authority to be absent from their normal assigned tour of duty and no other type

status is appropriate. Most often this status will be used when an officer has been involved in a use of force that is under investigation and the officer must be readily available to assist investigators. Being placed on this type assignment requires the employee to stay in contact with the investigative unit and respond immediately to any investigative request.

J. Military Training Leave (MTL)

1. Military Training Leave is applicable when an employee is under orders from the military with pay from their normal assigned tour of duty. Employees receive twenty (20) days per year for military leave. Orders must be attached to MNPDP Form 351, Alternate Leave Notification/ Request Report, and forwarded through the chain of command.
2. MNPDP Form 144M, Military Leave Equipment Checklist must be completed and turned in through chain of command to MNPDP HR.

K. Family Medical Leave

1. The Family Medical Leave Act of 1993 entitles eligible employees up to twelve (12) weeks of leave in a twelve (12) month period for qualified family and/or medical circumstances. The twelve (12) month period of entitlement is measured forward from the date an employee's first FMLA begins. Paid leave shall be substituted for unpaid leave as long as the time is available according to department policy. The order in which the leave shall be utilized is sick, personal, holiday, vacation then unpaid. Compensatory time shall not be used for FMLA. If paid leave is not sufficient to cover the time requested, it may be interspersed with FML (without pay) to cover insurance premiums. For insurance purposes see Civil Service Policy 4.16
2. In the event that the Family Medical Leave is authorized due to the serious medical condition of an employee's relative (covered under the FMLA), an employee may opt to use up to twenty (20) of their sick (FMLSK). The remainder of the time would be vacation days (FMLEX) or unpaid days (FML).
3. An employee who takes advantage of the Family Medical Leave Act entitlement for his or her own serious medical condition may be required to submit a fitness for duty certification from a physician before their anticipated return to work. This certification is only as it relates to the particular health condition that caused the employee's need for FML leave.

4. Specific guidelines and required forms are available from the Police Payroll Section. Any leave pursuant to the Family Medical Leave Act will be addressed on a case by case basis, in consideration of the duration and circumstances of the leave request.

L. In-Line-of-Duty-Injury (IOD)

1. Every injured employee shall, immediately upon the occurrence of an injury, even if medical attention is not needed, give written notice of the injury to their supervisor. The employee's immediate supervisor shall be responsible for completing the Record of Occupational Injury/Illness (Metropolitan Government Form 101) as soon as feasible after notice has been given of a qualifying event. If an injury is not realized upon occurrence, written notice must be given the next working day after realization and within ten days after the occurrence of the injury. The day an employee is injured in the line of duty, the employee's working status shall remain as originally marked on the worksheet. Thereafter, the employee will be marked according to the status indicated after review of the medical documentation by the Chain of Command through the appropriate Bureau Chief. The final decision as to an employee's IOD status will be made by the Chief of Police, in consultation with available resources.
2. When an in line of duty injury occurred before September 1994 employees received up to one hundred eighty (180) IOD days (which includes days off) per injury, after September 1994 employees receive up to one hundred thirty (130) working days per injury. An additional thirty (30) working days will be granted per calendar year for the purpose of having surgery performed and recovery from surgery. An employee shall be allowed to use up to five (5) of his/her sick days available in each subsequent year for a recurrence of an IOD after the initial one hundred thirty (130)/one hundred eighty (180) days of injury leave have been exhausted.

M. Fraternal Order of Police Youth Camp (FYCL)

Authorized employees may be carried in a Fraternal Order of Police Youth Camp Leave (FYCL) status. The purpose of this status is for employees, acting in a non-law enforcement capacity, to participate in the Fraternal Order of Police Youth Camp.

N. Paid Family Leave

1. Full-time employees who have been employed with Metro for at least six (6) months are eligible for up to thirty (30) work days of Paid Family Leave (approximately six business weeks) for:
  - a. The birth of the employee's child;
  - b. The placement of a child with the employee for adoption; and/or
  - c. To provide care for a spouse, parent, or child as defined by the Federal Family and Medical Leave Act (FMLA).
2. The Paid Family Leave program will be administered within the guidelines of the FMLA Policy Handbook maintained by Human Resources and publicly available to all employees. Paid Family Leave time will run concurrently with time designated as FMLA leave.
3. The leave may not be taken for the employee's own serious health condition.
4. In the case of birth or adoption, Metro Paid Family Leave will be available starting with the date of birth, date of adoption, or date that legal custody is granted.
5. The leave shall run concurrently with, and be counted as, regular FMLA leave (if the employee is eligible for FMLA leave).
6. Employee eligibility is dependent upon six months of continuous, full-time employment (32 hours per week or more). Part-time, seasonal, and probationary employees are not eligible for Paid Family Leave.
7. A total of 30 Paid Family Leave days may be taken.
  - a. Paid Family Leave commences on the first date leave is taken and must be concluded no later than twelve (12) months from that date.
  - b. Any Paid Family Leave not taken during the twelve month period just described shall not carry over to any subsequent FMLA year or need for leave.
8. For spouses who are both employed by Metro, each spouse shall be entitled to thirty (30) days of Paid Family Leave.

9. Additional conditions/restrictions may apply. Employees should contact MNPd Human Resources Division for questions and/or guidance.

### **3.60.090 Types of Unpaid Leave**

Unpaid Leave includes Military Leave (ML), being marked Late to Work (LW), Leaving Early from work (LE), Absence Without Approved or Authorized Leave (AWOL), being granted a Leave With Out Pay (LWOP) by the Chief of Police, and Family Medical Leave unpaid (FML). An employee who is requesting any type of unpaid leave other than FMLA must notify their chain of command by using Form 351 (Alternate Leave Request/Notification form).

**NOTE: Employees who are in an unpaid status for any time during a calendar month do not accrue vacation or sick time for that month.**

#### **A. Military Leave (ML)**

1. When an employee has been activated, or when the twenty (20) MTL (paid days) have been exhausted Vacation (EXCM) or military leave without pay (ML) may be used for reservists ordered to duty, weekend drills and /or training maneuvers.
2. MNPd Form 144M, Military Leave Equipment Checklist must be completed and turned in through chain of command to MNPd HR.

#### **B. Late to Work (LW)**

A timesheet designation that is used to indicate an employee who reported late to work without approval to be late.

#### **C. Leaving Early from Work (LE)**

A timesheet designation that is used to indicate an employee who leaves work early without approval.

#### **D. Absence Without Authorized or Approved Leave (AWOL)**

1. If an employee has exhausted all available sick and / or vacation time and asked to be marked sick or excused, the supervisor shall not approve an employee to take time they do not have available. The supervisor should advise the employee of the necessity for them to report to work.
2. If the employee does not report to work, then the employee shall be marked Absent With Out Approved or Authorized Leave (AWOL) on

the timesheet. While an instance of being marked AWOL does not necessitate corrective or disciplinary action (in and of itself), it will be cause for a documented (written) counseling session between the supervisor and the employee.

3. A copy of this written documentation shall be forwarded through the chain of command. Included in the counseling session shall be an indication that future AWOL events shall be cause for corrective and/or disciplinary action (if appropriate) and a recommended course of action.
4. The recommended course of action could range from disciplinary action being taken (accompanied by MNP Form 313), to an explanation of the circumstance surrounding the AWOL event and a recommendation to the Chief of Police to grant a Leave Without Pay (LWOP) request. Written documentation shall be included with either request that the employee was advised of the availability of options (FMLA, LWOP, or pension) if appropriate. A copy of this written documentation shall also be included in the employees unit personnel file as a reference, to guide supervisors in future corrective/disciplinary action.

E. Leave Without Pay (LWOP)

At the discretion of the Chief of Police, an employee may be granted leave without pay for any reason not to exceed twenty (20) working days within a calendar year. This type of leave request would require the submission and approval of the Alternate Leave Request / Notification Form (Form 351) through the chain of command.

F. Alternate Leave Request/Notification Form (Form 351)

The Alternate Leave Request/Notification Form, along with any available or required documentation (letter of explanation, etc.) must be attached and forwarded as soon as possible. Depending on the urgency of the request, if a supervisor in the chain of command will be unavailable to review the request within a reasonable time period, a copy should be left for that supervisor (with an attached explanation of the urgency) and forwarded to the next level in the chain of command.

Once a determination is made (whether to grant or deny the leave without pay request) by the Chief of Police or his/her designee, the original documentation shall be sent to the Police Payroll Section and maintained as part of the permanent employee file. The Police Payroll Section will notify the requesting employee and their chain of command of the Chief of Police's decision by returning a signed copy



of Form 351. Any additional instructions or requirements of the employee will be indicated on this form or attached documents. If time constraints require, the employee and the chain of command may be initially notified by email or telephone with the appropriate documentation to follow.

The Alternate Leave Request for Military leave shall be sent to the payroll section for processing where the Payroll Division will send out an email of notification to the chain of command.

### **3.60.100 Time Sheets**

#### **A. Daily**

Daily timesheets must be updated, authorized, and approved by the supervisor on duty during the work detail/shift.

#### **B. Weekly**

1. The time accounting application timesheets are displayed in a one-week period of time format.
2. Any changes in personnel assignments need to be reported immediately to Payroll for shift and timesheet adjustments in the time accounting application.

### **3.60.110 Sources of Data for Compensation**

The sources of data input used to accurately compensate employees for work, paid leave, etc., are:

- A. Daily Timesheet;
- B. Electronic Overtime Form via workbrain;
- C. Court Time System; and
- D. Memorandum.

### **3.60.120 Work Periods for Sworn Personnel (28 Day Cycles)**

No later than the beginning of each calendar year, the section supervisor will cause a notice to be disseminated to all personnel which summarizes the 28 day cycle for the calendar year. The current 28 day cycle chart can be accessed at the following link:

<http://pdweb/directives/28-day-cycle-list-2014.pdf>

### **3.60.130 Processing of Employees for Leave and Separation from Department**

Police Human Resources shall establish and maintain Standard Operating Procedures for processing of employees who are on periods of leave or are permanently separating from the department. Such procedures shall include, but not be limited to, processes for collection of issued or assigned equipment, completion of any required forms, reporting of status changes to other departments or agencies, processes for any payroll or time accounting issues, and any internal status determinations affecting permanent departmental personnel records. Such Standard Operating Procedures shall also include procedures for processing of employees who may be reinstated, reemployed or return to duty and any required training, testing, evaluation, or return of equipment.

### **3.60.140 Termination of Employment by Employee**

When an employee takes the initiative of terminating his/her employment with the Metropolitan Nashville Police Department, he/she is expected to give their supervisor written notice at least two weeks prior to their expected last day of employment. Failure to give adequate notice shall be noted in the employee's file and may become a factor in the employee being considered for reemployment.

### **3.70 Court Appearance and Subpoena Procedures**

#### **3.70.010 Policy**

It shall be the policy of the Metropolitan Nashville Police Department that all personnel adhere to the guidelines and policies established herein.

#### **3.70.020 Issuance of Citations – Court Dates**

Metropolitan police officers shall adhere to the following when issuing citations.

##### **A. Traffic Citation**

Personnel shall not appear in court unless subpoenaed. There is no place on the traffic citation for a court date and officers shall not write a court date on the citation. The violator has the options of pleading guilty and paying the citation or going to school. The violator also has an additional option of pleading not guilty and requesting a court date. A subpoena will then be generated and the officer will be required to appear at the date and time listed on the subpoena.

##### **B. Metropolitan Misdemeanor Citations**

Personnel **shall** appear on any Metro Misdemeanor Citation (Environmental Court). The citation itself is the subpoena. Refer to Article 3.70.170 for court dates.

##### **C. State Misdemeanor Citations**

Personnel shall not appear in court unless subpoenaed. Court dates shall be set as prescribed in accordance with procedures outlined in current policy governing the issuance of State Misdemeanor Citations. Refer to Article 3.70.180 for court dates.

#### **3.70.030 Charging Documents – Listing Witnesses**

When issuing citations and obtaining arrest warrants or juvenile petitions, whether the suspect is in custody or at large, personnel shall adhere to the following:

A. Prosecuting Officers

In situations where there is one defendant and it is concerning the same incident, there shall not be multiple prosecutors, unless articulable reasons exist.

B. Requirements to List MNPDP Personnel as Witnesses

1. In all court appearances only the necessary police personnel shall be required to attend. An officer, when a warrant is obtained, shall list **only** the minimal number of witnesses that are necessary for prosecution. Police personnel must possess unique knowledge of the case and be able to provide meaningful testimony to the case.
2. Anytime an officer lists more than two MNPDP Witnesses, supervisory approval shall be obtained **prior** to the witnesses being listed on the charging document. If additional witnesses are needed at a later date (for the preliminary hearing or trial) the officer may notify the District Attorney.
3. If additional civilian witnesses are available, their names and contact information shall be listed in the narrative section of the Arrest Report (MNPDP Form 106), Incident Report (MNPDP Form 100) and/or on a Supplement Report (MNPDP Form 104).
4. The reporting officer shall list any additional MNPDP Witnesses that are deemed appropriate for successful prosecution in the narrative section of the Arrest Report (MNPDP Form 106), Incident Report (MNPDP Form 100) and/or on a Supplement Report (MNPDP Form 104). Additionally, the reporting officer shall list the type of useful information available from each witness listed.
5. Any employee that is a witness or reasonably may expect to become a witness must complete an Incident Report (MNPDP Form 100), or Supplement Report (MNPDP Form 104), in order to be listed as a witness on a charging document.
6. When the prosecutor is a private citizen, only one police officer witness is allowed.
7. In the event of a "Driving under the influence arrest", when the prosecutor is an MNPDP Employee, the only police witness listed shall be the BAT (Breath Alcohol Test) Operator.
8. Generally, only personnel that can provide the most relevant testimony to successfully prosecute a case shall be subpoenaed.

9. FTOs (Field Training Officer) and their OITs (Officer in Training) may be listed on all charging documents as either a prosecutor or witnesses for all arrests made and charges filed while working together.
10. Personnel shall seek additional guidance in the departmental policy governing Field Training Officers (FTOs).

#### **3.70.040 Receipt of Subpoenas or Summonses**

- A. Any subpoena or summons personally served, from a source other than Court Appearance, compelling the appearance of any employee as a witness in any matter arising out of the performance of their duties as a MNPd employee shall be delivered to the Court Appearance Section.
- B. Any such document received by the Court Appearance Section shall be logged into the appropriate computer system prior to distribution, per existing policy within that section.

#### **3.70.050 Distribution of Subpoenas**

All subpoenas distributed by the Court Appearance Section shall be picked up **daily** by all components of the department. Personnel picking up subpoenas shall sign for the subpoenas acknowledging receipt thereof.

#### **3.70.060 Logging Subpoenas, Late Subpoenas and Cancellation Notices**

- A. Upon receipt of subpoenas via "intradepartmental mail", all subpoenas, whether to appear in or cancel court, shall be logged individually into a ledger or book for distribution to employees. This policy shall be utilized by every component regardless of size or volume of subpoenas. Subpoena ledger books shall be maintained for a period of one year and shall be available for departmental inspection. All entries shall include, but not be limited to the following information:
  1. Date the subpoena(s) are received;
  2. Name of the person logging the subpoena(s);
  3. The defendant's name;
  4. The court date;
  5. The employee's name;
  6. A place for the employee or whomever delivers or notifies the employee of the subpoena signature; and
  7. The date of notification.

- B. The Shift Commander shall be responsible and accountable for checking the subpoena ledger daily for subpoenas of subordinates, especially those who will be away from work and will not return until after the court date. In any such case, the Shift Commander shall make every effort to notify the subordinate of the subpoena or notify the Court Appearance Section of the circumstances surrounding the inability to notify personnel.
- C. When subpoenas received by the Court Appearance Section require immediate notification Court Appearance Section personnel shall:
  - 1. Make an attempt to notify the subpoenaed personnel and shall document as to whether contact was made;
  - 2. If contact was not made, the Court Appearance Section shall fax the subpoena to the personnel's precinct, scan and email the subpoena to the personnel, the Precinct's Administrative Assistant, and the Detail Lieutenant of the personnel. The original will be forwarded in the usual manner.
- D. The supervisor receiving the notification shall be responsible for:
  - 1. Making an attempt to notify the subpoenaed personnel and shall document as to whether contact was made.
  - 2. Logging the subpoena into the subpoena ledger.
  - 3. Documenting all efforts employed to execute the notification of the subpoenaed employee of the subpoena.
  - 4. Detailing via email sent to the commander of the Court Appearance Section, all efforts made to execute the subpoena should there be no notification.
- E. All cancellation notices received by Court Appearance Section will be sent to the employee's work station.

#### **3.70.070 Receipt of Subpoenas by Employees**

- A. At departmental roll calls, employees shall check the subpoena ledger on a **daily** basis for their subpoenas. When picking up a subpoena, employees shall sign and date the ledger as acknowledgment of receipt. This does not negate the responsibility of supervisors to check the subpoena ledger daily to ensure proper service of subpoenas and court appearances as well as cancellations of subpoenas.

**NOTE: Employees having received a cancellation subpoena will not be paid for making a court appearance.**

- B. When supervisors make notifications as described in Article 3.70.060, Sections B and C, they shall sign their name in the subpoena ledger and indicate the date and time the subpoenaed personnel was notified.
- C. When employees are notified of subpoenas as described in Article 3.70.060, Sections B and C, they shall regard such notification, whether by radio, telephone, or other means, as a lawful execution of such subpoena.
- D. A voice mailbox for the General Sessions Court Jail Docket and the Misdemeanor Docket has been established by the Court Appearance Section. All personnel subpoenaed to the Felony Jail Docket, or Misdemeanor Jail Docket, must call the number provided by the Court Appearance Section on the day they are to appear to ensure the defendant is still on the docket. The call can be made after 0630 hours. If the defendant's name is not on the recorded list, the employee shall not come to court. Any employee who appears on a jail docket defendant who is not listed on the recording will not be paid for their court appearance. It is the responsibility of the officer to check the jail docket lines before coming to court.

**3.70.080 Attire for Court Appearance and/or Administrative Hearings**

- A. All MNPB Personnel attending court and/or other administrative hearings shall wear:
  - 1. Class A (standard long-sleeve) uniform;
  - 2. Class B (standard short-sleeve) uniform; or
  - 3. Non-uniform professional business attire approved herein and consistent with generally accepted professional business standards and representative of the Metropolitan Nashville Police Department. (Refer to current policy governing Department and Personal Appearance)

Exceptions:

- a. Special component utility uniforms (bicycle, flex, canine or any other similar attire) may be worn to court and/or other administrative hearings if the employee is attending such hearings on a day they are scheduled to work their regular duty assignment, and such assignment requires the wearing of the special component attire; or

- b. If an employee's regular duty attire is the Class A or B uniform and the employee's assignment, on the date to appear, requires dressing otherwise. This exception requires written approval from the personnel's Division Commander to be provided to the Commander of the Court Appearance Section.
- c. Examples:

(1) Acceptable: Attire generally deemed acceptable a non-uniform professional business attire may include:

Male employees:

- Suit coat, sports coat or blazer.
- Suit pants, slacks, khaki or chino type of trousers.
- Collared shirt (tucked), tie optional.
- Laced or slip on closed toed dress shoes with matching socks.

Female employees:

- Dress suits, two piece dresses, or skirts (dresses or skirts with coordinated suit jackets, sports coat or blazer). Dresses or skirts must be of modest length (knee length or just above the knee) or;
- Dress pants, or slacks, with appropriate top (tailored shirts or blouses, or dress knit shirts) with a suit jacket, sports coat or blazer.

**NOTE: All MNPD Employees are required to wear either a suit jacket, sports coat or blazer while attending court, when not in uniform.**

(2) Unacceptable: The following examples are unacceptable for an appearance in court:

- Denim or jeans regardless of color.
- Jackets (other than suit jackets, sports coats or blazers).
- Vests (unless part of a suit combination).
- Cargo pants, Capri pants, exercise pants, or form fitting pants.
- Shorts of any kind.
- T-shirts of any kind (unless worn under another blouse, shirt, or dress).
- Police raid attire (vests, jackets, etc.).



- Un-tucked shirts (except knit shirts for females when so designed and worn under a jacket or suit top).
- Spaghetti strap or strapless dresses.
- Plunging or deep V-neck shirts or blouses.
- Clothing with raw or frayed edges.
- Flip flops, athletic shoes, tennis shoes, or any open toed shoes.
- Provocative attire or any item with potentially offensive words, terms, logos, pictures, cartoons, or slogans.
- Partial Police uniforms.

**NOTE:** Any officer who is on-duty wearing non-uniform apparel shall at all times carry an authorized sidearm and authorized ammunition in a manner suitable for their duty assignment.

As stated above, officers shall wear a coat or jacket which adequately conceals any firearm, handcuffs, or related equipment, **so as to avoid undue alarm or concern by anyone, afford maximum security for such equipment, and thereby minimize safety hazards while in the presence of others. When at the office, duty station, inside vehicles, or otherwise not in view of the general public, employees may remove the coat or jacket.** (Shirts shall be tucked in. An un-tucked shirt does not qualify as “coat or jacket”).

If an employee is unsure if their non-uniform apparel is appropriate for wearing to court proceedings, they should seek guidance from their immediate supervisor or Court Appearance Section Personnel prior to wearing any apparel that is in question. MNPd Employees shall bear in mind that the Class A and B Uniform are always approved.

- d. The standards to be observed by employees regarding non-uniform apparel and related matters shall be comparable to those currently observed in the professional business community, but with these added requirements:
- (1) Apparel shall not be of a style, design, material, color, or any combination thereof that it is in striking contrast with others;
  - (2) Apparel shall not be altered from its original form, by extravagant styling to the extent that it is tattered, appears unkempt, or otherwise provokes controversy; and

(3) Apparel must be clean, well-tailored and form-fitting, so as to project a quality appearance at all times.

(4) The commander of the Court Appearance Section has the discretion to determine if the attending personnel's appearance is in compliance of this order and also has the authority to take appropriate disciplinary action, if necessary.

- B. The underlying and controlling principle of the Metropolitan Nashville Police Department policies and procedures regulating the wearing of the Departmental uniform is that the uniform shall be worn or displayed in a proper manner and that the uniform shall be worn only when carrying out the business of the MNPd. That is, when an employee is making an appearance on behalf of the MNPd and representing the purpose, mission and interests of the MNPd. It must be understood that the uniform of the Metropolitan Nashville Police Department is the property of the MNPd and will only be worn or utilized in a manner consistent with these procedures. The uniform is not the property of the individual and shall not be used to carry out or further the purpose or agenda of that employee or any other individual, group or organization.
- C. An appearance and/or testimony before any court, official proceeding, or other public or non-public function or forum, shall be considered on behalf of the Metropolitan Nashville Police Department only if the appearance, representation of, or testimony is to state, or convey in any manner, the official position of the Department.
- D. All employees shall strictly adhere to the below regulatory provisions. Where there can be any uncertainty or lack of clarity as to whether the wearing of the Department uniform is specifically authorized or appropriate, an employee shall request supervisory authorization to wear the Department uniform prior to making the appearance. Any supervisor authorizing the wearing of the Department uniform will be held accountable for adherence to the purpose of these policies.
1. In no case shall an employee wear the MNPd uniform when testifying for, or on behalf of, a defendant in a criminal proceeding unless specifically authorized by the Chief of Police or a designee of the Chief of Police. The fact that an appearance by an employee was subject to subpoena, summons, or otherwise compelled, shall not constitute any defense or mitigating factor for failure to strictly adhere to these policies. This provision would not prohibit the wearing of the departmental uniform when the officer has been

subpoenaed by the defense and is giving testimony concerning his/her official duties/actions as a Metropolitan Nashville Police Officer if the appearance, representation or testimony is to state, or convey in any manner, an investigative result or the official position of the Department.

2. Employees shall only wear complete, departmentally approved, uniforms that comply with current departmental standards of appearance. In addition, uniforms shall be free from any foreign matter, tears, visible signs of excessive wear, or other such imperfections.
3. Employees who are on light or restricted duty shall not be attired in the uniform of the department or display any insignia or credential unique to a uniformed member of the department unless authorized by appropriate supervisory personnel.
4. Employees shall only wear the departmental uniform while on-duty, en route to or from duty, departmentally approved events, or when authorized by established policy.
5. Employees shall not wear uniforms while in an off-duty status except when authorized by established policy.
6. No employee, while in uniform, shall wear on the uniform or display any item (e.g. pins, patches, etc.) not specifically issued by the department or authorized by written order of the Chief of Police.
7. When reporting for jury duty, employees of the MNPd are fulfilling their duties as private citizens, not police officers. Therefore, when reporting for jury duty, employees shall dress in appropriate civilian attire. No employee shall wear any departmental uniform, display any departmental insignia or carry any firearm(s).

**NOTE:** For additional direction, reference current policies governing clothing and equipment and deportment.

- E. Although Court Appearance Section has the primary responsibility, all supervisory personnel shall have the authority to determine if the attending personnel's appearance is in compliance with the provisions stated herein, and also has the authority to initiate any appropriate corrective or disciplinary action necessary arising from any non-compliance.

*(A violation of any provision outlined in article 3.70.080 shall be a Category F Offense)*

### **3.70.090 Appearing in Court**

- A. A subpoena, summons, or notice to appear is an order from the court to the recipient of the subpoena and creates an official obligation for that employee to appear at the place, date, and time specified. Failure to appear may result in contempt of court which could result in punishment by fine and/or imprisonment as provided by law.

Additionally, a subpoena constitutes an official assignment as a member of the MNPd. Any failure to meet this official obligation/assignment could result in court sanctions, departmental disciplinary action, or both.

1. The Court Appearance Section and the Victim-Witness personnel of the District Attorney's Office have no authority to excuse any police department employee from court. Only authorized personnel from the court wherein the employee is subpoenaed have the authority to excuse an employee from his/her scheduled court appearance.
2. Mere notification to any entity of the employee's inability to appear for court as subpoenaed does not constitute an excusal from his/her responsibility to appear.
3. When an MNPd employee, that has received a subpoena, calls Court Appearance to advise of their inability to appear, Court Appearance Section personnel shall attempt to notify the appropriate court on the employee's behalf. This does not release the employee from the order of the court to appear at the time, place and date specified.
4. Any time an employee talks with any source, whether within the MNPd or any source outside the department, concerning their ability to appear in court, that employee shall record the name of the person with whom they spoke as well as the date and time and shall immediately notify the Court Appearance Section.
5. The absence shall be logged into a computer database for tracking purposes in accordance with the current Court Appearance Section Standard Operating Procedure (SOP).
6. The Court Appearance Section shall prepare a Violation of Court Appearance Procedures (MNPd Form 310) and submit this form to the Office of the Chief of Police. The Office of the Chief of Police shall log the receipt of the MNPd Form 310 and forward the MNPd Form 310 to the officer's Division Commander for follow up.

**B. Light Duty and/or Administrative Leave**

1. Personnel who are working in a light duty status and/or on Administrative Leave With Pay, shall be carried on the worksheet in the manner prescribed by departmental policy and shall honor all subpoenas made known to them as long as they are physically and mentally capable to appear.
2. It shall be the responsibility of the employee to notify their supervisor of their inability to appear in court due to Administrative Leave or medical reasons. The supervisor shall enter a court block into the departmental time accounting system with reason for absence noted in the commentary section. It shall be the responsibility of the employee's supervisor to notify the Court Appearance Section of any inability of an employee to appear in court, due to Administrative Leave or medical reasons.
3. In the event an employee is physically or mentally unable to return to work for a time that exceeds three (3) days, it shall be the responsibility of his/her supervisor to enter a court block into the departmental time accounting system with reason for absence noted in the commentary section.
4. When the employee returns to work, the supervisor shall ensure that the departmental time accounting system reflects the employee's return.

**C. Decommissions, Suspensions and Appearing In Court**

1. Employees who become decommissioned or suspended shall immediately notify the District Attorney's Office of their status prior to any pending scheduled court appearances. The District Attorney's Office shall make the determination if the employee must appear on the scheduled date.
2. It shall be the responsibility of the immediate supervisor of the decommissioned or suspended employee to monitor incoming subpoenas and to notify the District Attorney's Office once a new subpoena is received for such an employee. The District Attorney's Office shall then make the determination if the employee must appear on the scheduled date.
3. Employees who are decommissioned or on suspension shall notify their immediate supervisor of any existing and/or new subpoenas received while they are decommissioned or suspended.

4. Employees who are decommissioned or on suspension shall honor any and all subpoenas executed to them prior to the suspension unless directed to do otherwise by the appropriate authoritative source as outlined in Article 3.70.090, C, 1 and 2.
  5. Should a proper authoritative source demand the employee's presence every effort shall be made to execute the subpoena as described in Article 3.70.090 of this order. Employees shall clock-in for court as prescribed in the provisions of this order.
  6. If the District Attorney's Office releases the employee from his/her scheduled court appearance the employee shall immediately notify the MNPD Court Appearance Section upon such notifications of release.
- D. The following procedures are to be followed concerning employees inability to appear in Civil Court Appearances - All Instances:
- Subpoenas for police personnel to testify in civil suits are issued by the plaintiff or defense attorney; therefore, if an emergency or illness should prevent the appearance, the attorney that issued the subpoena must be contacted by the subpoenaed officer. On civil processes, the attorney's phone number and address will be listed. Police personnel will then notify the Court Appearance Section of their notification.
- E. Special Events, Military Leave, Vacation Leave, Etc.
1. When officers are unavailable to attend court (i.e., In-Service Training, military leave, vacation, etc.), it is imperative that a court block be entered as soon as possible into the departmental time accounting system with reason for absence noted in the commentary section, by the approving supervisor to prevent any disruption of the officer's time due to court scheduling that may arise.
  2. Court blocks shall not excuse any employee from his/her obligation to appear on any subpoena previously issued.
  3. Personnel must be mindful that court blocks are a request not to be issued a subpoena; it is in no way is an excusal from court.
  4. Supervisors shall ensure that a court block, and the reason for absence, is noted in the commentary section of the departmental time accounting system.

5. Personnel cannot request a court block for the purpose of not attending a specific court date, after receiving a subpoena.
6. In the event that a subpoena is received by the personnel after the court block has been submitted for the time period requested, it shall be the personnel's responsibility to contact the issuing source and request permission to be relieved of the responsibility of appearing in regards to the subpoena. The employee shall record the name of the person with whom they spoke as well as the date and time and shall immediately notify the Court Appearance Section.
7. When making special duty assignments, supervisors shall allow officers to honor all subpoenas issued.
8. Officers shall be cognizant of prior subpoenas when requesting special assignments. Special assignments do not negate the need to honor subpoenas that have been previously received.
9. Should an officer be given a special duty assignment that is in conflict with existing subpoenas, the officer shall immediately notify his direct supervisor of the conflict.

*(Violation(s) of provisions outlined in 3.70.090 above shall generally be a category E offense, however category may vary by severity of the violation; e.g. case dismissed as a result of failure of officer to appear, delay in jury trial proceedings as a result of failure of officer to appear, etc.)*

#### **3.70.100 Receipt of Civil Service Process – Lawsuits Involving Employees**

- A. Occasionally individual employees may be served with subpoenas in person. On such occasions, employees shall deliver the subpoena to the Court Appearance Section at the earliest opportunity in order to document its arrival.
- B. When process is received in employment-related lawsuits, personnel shall contact the Metropolitan Department of Law for instructions on obtaining counsel without any unnecessary delay.
- C. No employee shall sign a receipt for a service of any process for another employee. The receipt must be signed by the employee named in the process.

#### **3.70.110 Special Provisions Regarding Clocking-In Procedures**

**A. General Sessions Court**

Employees who are subpoenaed to appear in a civil proceeding in the Metro General Sessions Court will clock-in at the Court Appearance Section. Employees will clock-in for court as prescribed within this order.

**B. Circuit Court, Chancery Court, & Probate Court**

The employee shall clock-in as with a criminal case and note on the appropriate time card the court they are attending for services or duties performed as an employee of the MNPD.

**NOTE:** Employees shall not request nor accept witness fees for services or duties performed as an employee of the MNPD. Any witness fee issued to an employee for attending court shall be forwarded to the Court Appearance Section. After processing, the funds will be delivered to the MNPD Fiscal Division via the Court Appearance Section.

**C. Federal Court - Civil and Criminal Cases**

The employee will clock in for court and shall specifically notify Court Appearance Section personnel that the court appearance is for a federal court proceeding. Any witness fee paid to employees from any source for attending a federal court proceeding will be turned over to the Court Appearance Section upon receipt of the same.

**NOTE:** Employees are specifically prohibited from contacting attorneys concerning the collection of witness fees, when the subpoena is a direct result of their official duties, for testifying in all civil cases. This shall include, but is not limited to, General Sessions, Circuit Court, Chancery Court or Federal Court.

**3.70.120 Requirement to Facilitate Quality Prosecutions**

In an effort to streamline the court system, a settlement docket in General Sessions Court is utilized. Due to this docket, employees will not be subpoenaed for every arrest. The District Attorney's Office will have an opportunity to settle cases before the employee must appear. If the case cannot be settled, it will be set for the trial docket and the employee subpoenaed. In order to ensure quality prosecutions and maintain a harmonious relationship with the District Attorney's Office, employees shall adhere to the following:



- A. Consistent with quality investigative and report writing techniques, personnel shall complete a clear, concise, and detailed report that will allow the prosecutor handling the case to make informed and proper decisions regarding the circumstances surrounding the incident. The report should include at a minimum, a narrative that includes all the elements of the offense charged, a list of **all** police and civilian witnesses, any related complaint numbers, names of co-defendants, and a list of any evidence that was seized.
- B. Employees who initiate prosecutions through the District Attorney's Office (i.e.: direct presentments, Grand Jury) shall ensure that the information described in the aforementioned in Article 3.70.120, A, is included in the reports filed with the case.

### **3.70.130 Clock-in Procedures and "Per Diem" Payments**

- A. Accurate clock-in procedures allow the MNPd to determine if an employee is at court and helps track whether a subpoena was honored. It also assists the Court Appearance Section in tracking officers at the request of judges or the District Attorney's Office.
  - 1. The following are the procedures for **off-duty** personnel clocking in for court:
    - a. Off-duty personnel will be required to clock-in and out for court at the Court Appearance Section.
    - b. Off-duty personnel shall complete the appropriate white time card (**MNPd Form 218B**). MNPd personnel shall fill out the time card completely.
  - 2. The following are the procedures for **on-duty** personnel clocking in for court:
    - a. On-duty personnel will be required to clock-in and out for court at the Court Appearance Section.
    - b. On-duty personnel will use an **alternate color time card** (color determined by the Court Appearance Section) (**MNPd Form 218A**).
    - c. On-duty officers shall complete the appropriate time card in the same manner and with the same information as if off-duty. MNPd personnel shall fill out the time card completely.
  - 3. Court Appearance Personnel shall file and reference time cards for both off-duty and on-duty personnel.

4. On-duty officers whose court appearance goes beyond the end of their shift shall complete a white, off-duty time card (MNPB Form 218B) and staple it to their original, alternate colored time card (MNPB Form 218A).
- B. For purposes of clocking in and out, there shall be five categories of criteria: Downtown, Other Sites in the County, Contiguous Counties, Non-Contiguous Counties, and Out of State.
1. Downtown
    - a. This category consists of courtrooms or hearing rooms in the immediate area of the Davidson County Courthouse such as: Davidson County Courthouse, Ben West Building, Juvenile Court, AA Birch Building, the Grand Jury and/or the District Attorney's Office.
    - b. Employees attending court or hearings in these facilities **shall clock-in, in person, a maximum of 15 minutes prior to the subpoena time, and no later than fifteen minutes after the subpoena time.** If an employee clocks in fifteen minutes after the subpoena time without a justifiable excuse, the employee can be subject to disciplinary action. Justifiable excuses include, but are not limited to, accidents, emergencies, or responding to an accident or emergency call. If an accident or emergency occurs that detains an employee for court or a hearing, the employee will be responsible for notifying the Court Appearance Section. An employee may inform Court Appearance Section personnel of the reasons for being late by writing the reason on the back of the time card, and supplying any necessary documentation requested by Court Appearance Personnel. **Time cards shall remain in the Court Appearance Section at all times. Employees shall not carry time cards away from the Court Appearance Section.**
    - c. **At no time shall an employee clock out for another employee.** Employees shall clock-out, in person, immediately upon fulfilling their responsibilities in matters for which they are required to appear. No time card will be processed without a statement of disposition or status of the case (i.e. guilty, dismissed, continued, or released by D.A.)
  2. Other Sites in County

- a. This category consists of courtrooms or hearing rooms, within Davidson County but not in the immediate area of headquarters, such as: Federal Court House, State Prison Facilities, Tennessee Highway Patrol Offices, Satellite City Municipal Courts, Etc.
- b. Employees attending court or hearings in these facilities may clock-in, by telephone, a maximum of 15 minutes prior to the subpoena time.
- c. Employees shall clock-out, by telephone, immediately upon fulfilling their responsibilities in matters of which they are required to appear.

3. Contiguous Counties

- a. This category consists of courtrooms or hearing rooms located in a county which borders Davidson County.
- b. Employees attending court or hearings in these facilities may clock-in, by telephone, a maximum of 30 minutes prior to the subpoena time.
- c. Employees shall clock-out by telephone immediately upon being dismissed from court.

4. Non-Contiguous Counties in Tennessee

- a. This category consists of courtrooms or hearing rooms located in Tennessee, but not in a county which borders Davidson County.
- b. Employees attending court or hearings in these facilities shall **make prior arrangements with their immediate supervisor and the commander of the Court Appearance Section regarding the subpoena, clock-in and clock-out times, court appearance, and travel pay.**

C. Court Appearance Payments - Federal, State, and Out of State

- 1. Employees attending court or hearings in other jurisdictions shall contact the appropriate authorities in the jurisdiction generating the subpoena to inquire about travel, lodging, meals, expenses, and any other witness fees.

2. Employees attending court or hearings in other jurisdictions which will not make payments as described in subsection one above shall contact the MNPB Fiscal Affairs Division for instructions on receiving funds for the trip.
3. Employees who receive funds for a trip from the MNPB Fiscal Affairs Division, and then receive payment as described in subsection one above, shall report to the MNPB Fiscal Affairs Division with all receipts and other documents in order to reconcile the appropriate accounts.

**D. Dual Court Pay**

1. At no time shall any employee of the Metropolitan Nashville Police Department be compensated for attending court proceedings during regularly scheduled duty hours, or receive court attendance pay in addition to that paid by the Metropolitan Nashville Police Department without approval and/or instructions from the Court Appearance Section Commander.
2. Employees that are on excused status and appear in court during their regular working hours shall notify their supervisor as soon as possible that they are excused from their regular day of work but are attending court. The supervisor shall adjust the worksheet to show the employee on duty during the time that the employee appeared in court. The employee will not be compensated for the court appearance.

*(Violation of this provision shall be a Category A Offense)*

**3.70.140 Clock-in & Pay Provisions – Obtaining Forfeiture Warrants**

- A. Officers shall make every effort to obtain forfeiture warrants while in an on-duty status or while attending a scheduled court appearance. If this is not feasible, the court appearance will be handled as extra time and compensation. The appearance will **not** be handled as though the officer were clocking in for court on a time card, because there is not a subpoena and docket to cross-reference as with regular court clock-ins.
- B. Prior to an officer seeking to obtain a forfeiture warrant while in an off-duty status, the officer must obtain approval from his/her immediate supervisor. All over time requests shall be submitted through the employee's chain of command for approval.

- C. When a subject is **NOT ARRESTED** at the time property is taken, with the intent to seize, the subject must be afforded an opportunity to contest the issuance of a Forfeiture Warrant against the seized property. The subject must be given a Notice of Forfeiture Warrant Hearing, with a date, time, and court in which the officer will be seeking said Forfeiture Warrant. The Commissioners have set a day and time certain to conduct these Forfeiture Warrant Hearings, said day and time being **Monday mornings between the hours of 8 a.m. and 10 a.m.** The Officer making the seizure shall present to the court, at this time, the Notice of Forfeiture Warrant Hearing, the Notice of Seizure, the Forfeiture Warrant, and the Affidavit in Support of the Forfeiture Warrant. The Commissioner, after hearing testimony of both parties, will determine if there is probable cause to issue the Forfeiture Warrant.
- D. There will be no subpoena issued for this appearance, as the only parties with knowledge of this appearance will be the seizing officer and the subject contesting the issuance of the Forfeiture Warrant. The only proof of the appearance in Night Court before a Commissioner will be a copy of the Notice of Forfeiture Warrant Hearing with the time and date designated. When a subject has **BEEN ARRESTED**, the Officer has five (5) working days, excluding weekends and holidays, to obtain a Forfeiture Warrant. The Officer making the seizure shall present to the court, at any time during the 5-working-day period, the Notice of Seizure, the Forfeiture Warrant, and the Affidavit in Support of the Forfeiture Warrant. **Commissioners will be available to issue Forfeiture Warrants 24/7.** Once a Forfeiture Warrant has been obtained and the paperwork forwarded to the Tennessee Department of Safety, the subject can file a Petition for Return of Property. Once a valid petition is on file, the Department of Safety staff will set the case on a docket to be heard. The seizing Officer will be **ISSUED A SUBPOENA** to appear (McCord Hall, 1150 Foster Avenue, Nashville, Tennessee) for the **CONFISCATION HEARING** relative to the property in question. Metro hearings are scheduled three (3) days a month, two (2) dockets each day (10 a.m. and 1 p.m.).
- E. Seizing officers may obtain their forfeiture warrants while clocked in for court on other matters. In order to do this, seizing officers must:
1. Make a notation on the time card as directed by Court Appearance Section Personnel, and
  2. Attach a copy of the forfeiture warrant to the time card.

### **3.70.150 Juvenile Court Detention Hearings**

In an effort to reduce unnecessary appearances at detention hearings by police and witnesses, the District Attorney's Office has instituted a time saving policy. At the time of booking the police officer and witnesses are given a phone number to call prior to coming to the detention hearing. This number is a voice mailbox that recites a list of cases for which police officers and witnesses need to appear and a list of cases that have been settled or continued. Employees of this department shall abide by this policy. Any changes in this policy will be disseminated by memorandum from the commander of the Court Appearance Section.

### **3.70.160 Subpoenas Related to Officers' Prior Employment**

Employees who receive a subpoena to testify or appear in any matter arising out of prior employment are legally obligated to appear, but will **not** be compensated by the Metropolitan Nashville Government.

### **3.70.170 Metropolitan Misdemeanor Citation Court Date Procedures**

- A. The following are the procedures for setting court dates on Metropolitan Misdemeanor Citations (Environmental Court).
  - 1. All court dates for Metropolitan Misdemeanor Citations (Environmental Court) shall be set on a specific time and day of the week as designated by the courts.
  - 2. Metropolitan Misdemeanor Citations (Environmental Court) shall be written at least three (3) full weeks out, from the date of the incident, on Wednesdays at 1430 hours. If the appearance date should fall on a holiday closed by the authority of the court, issuing officers shall schedule the court date for the following Wednesday at 1430 hours.

### **3.70.180 State Misdemeanor Citation Court Date Procedures**

- A. The following are the procedures for setting court dates on State Misdemeanor Citations.
  - 1. MNPD personnel shall utilize the appropriate initial booking date according to their regular work assignment.
  - 2. The initial booking date for state misdemeanor citations shall be scheduled on the specific day of the week assigned to the departmental element wherein the issuing member is regularly assigned ([See link below](#)). The booking date will be set on the assigned day of the week at least **three (3) full weeks and no more than four (4) weeks, following the date of issue between the**

**hours of 0700 hours and 0900 hours or 0900 hours and 1100 hours. If the booking date should fall on a holiday closed by the authority of the court,** issuing officers shall schedule the booking date on the next available booking date assigned to their division.

- B. Personnel shall set court dates in accordance with their assignment as indicated in the table located at the following link:

<http://pdweb/directives/smc-booking-dates.pdf>.

## **Title 4: Employee Conduct**

### **4.10 Discipline and Corrective Action**

- A. The effectiveness of a law enforcement agency and its members depends upon community respect and confidence. The first goal of our department is to provide fair, efficient service to all our citizens consistent with our established mission statement, policies, procedures, rules, regulations, ethical codes, and administrative or executive orders as established by the department or Metropolitan Government. To advance the mission, it is vitally important that all departmental employees conduct themselves in a manner demonstrating unquestionable integrity, reliability, and honesty. Whether interacting with citizens, testifying in any court or legal proceeding, or providing information in any official setting, the success of a law enforcement agency rests upon the reliability of the member representing that agency. Therefore, all members sworn and civilian must conduct themselves in a manner consistent with policies, procedures, rules, regulations, ethical codes, and administrative or executive orders as established by the department or Metropolitan Government. Complete candor and fully truthful responses are required when employees are providing information or responding to inquiry related to any official duty. Employees must further demonstrate the professional integrity expected of them by the public in their behavior. Recognizing that a fundamental and unequivocal duty of all employees is to promote the efficient and effective operation of department and government operation through the pursuit of lawful objectives, any conduct which detracts from this respect and confidence is detrimental to the public interest. It is equally detrimental to the effectiveness of the department, the efficiency of department operations and the morale of all members. Such behavior is, therefore, prohibited under applicable departmental policy. When circumstances suggest that a member has engaged in prohibited conduct, it is the policy of the department to investigate and impose disciplinary action when appropriate.
- B. The establishment of procedures for investigating complaints and allegations of employee misconduct is crucial to the demonstration and protection of departmental and employee integrity. The police department shall fairly and impartially investigate all complaints about employee misconduct to determine the validity of allegations. Findings shall be indicated in a timely and consistent manner.
- C. Any department employee who observes or becomes aware of any act of misconduct by another member of the government shall immediately



report the incident to their immediate supervisor or the most appropriate Metropolitan Nashville Police Department (MNPd) supervisor. Failure to report such activity is considered misconduct and subject to administrative investigation and sanctions. *(Violation of this provision may be charged up to and including the category of the underlying offense not reported.)*

- D. Consistent with this policy, other established procedures, and the Rules of the Metropolitan Government Civil Service Commission, it is recognized that the public interest and the mission of the Police Department is best served by resolving allegations of misconduct in a timely and expedient manner. Therefore, all appropriate supervisory personnel should monitor the progress of any disciplinary issue within their concern and take all necessary action to ensure the matter is concluded without undue delay.
- E. It shall be the policy of the MNPd that while all applicable violations of rules and regulations shall be considered, employees should be sanctioned only on those charges that appropriately and adequately address the misconduct.
- F. All components of the MNPd shall be responsible for making information available to the public regarding procedures to be followed in filing complaints against the department or its employees.
- G. It is recognized that this policy should be reviewed and amended from time to time in order to best accomplish the mission and goals of the MNPd. Upon discussion, recommendation, and due consideration, the Chief of Police shall cause such amendments and modifications to be made.

#### **4.10.010 Definitions:**

- A. **Case Hearing Officer:** Supervisory personnel assigned to preside over a departmental hearing to ensure all applicable procedures are followed. The case hearing officer shall also present the final conclusion of fact and recommended sanction to the Chief of Police for approval.
- B. **Commander's Hearing:** Hearing held by an employee's Division Commander, with the approval of the Chief of Police, for category F through category C violations of policies, rules or procedures of Metropolitan Government of Nashville and Davidson County.
- C. **Complaint:** An allegation from any person, expressed orally or in writing, which provides a reasonable belief that circumstance(s) exist

which, if proven, would amount to employee misconduct, or an expression of dissatisfaction from an external source with a policy, procedure, practice, philosophy, service level or legal standard of the agency.

- D. **MNPD Form 311: Remedial Counseling Report:** Official departmental form utilized to document remedial counseling of departmental personnel by authorized supervisory personnel. Counseling documented on this form is not considered corrective or disciplinary action in and of itself. However, it may be completed as part of any formal corrective or disciplinary action to document the counseling that occurred as part of such action.
- E. **MNPD Form 312: Complaint Report:** Official departmental form used to document all complaints. The MNPD Form 312 requires that a control number be assigned for internal tracking purposes prior to submission through the appropriate chain of command.
- F. **MNPD Form 313A: Corrective Action/Counseling Form:** Official departmental form utilized by authorized supervisory personnel to document formal counseling and/or corrective action taken to correct unsatisfactory employee performance or behavior. Any such action documented on this form is considered official corrective action and will be placed in the employee's personnel file. The MNPD Form 313A requires that a control number be assigned for internal tracking purposes prior to submission through the appropriate chain of command.
- G. **MNPD Form 313: Internal Disciplinary Resolution Form:** Official departmental form used to document violations of the policies, rules or procedures of the department, when job performance may have adversely affected the personal and/or property rights of others, involvement in illegal activity is suggested, or otherwise requires further investigation.
- H. **MNPD Form 343: Remedial Training Request:** Official departmental form utilized by authorized supervisory personnel to request specific remedial training for personnel under their command. Remedial training documented on this form is not considered corrective or disciplinary action in and of itself. However, it may be completed as part of any formal corrective or disciplinary action to document the training that occurred as part of such action.
- I. **Conclusion of Fact/Investigative Finding:** Drawn from the evidentiary facts, and may include any changes, or recommendation for changes in policies, procedures, rules, and regulations that may

prevent future allegations of misconduct, as well as the need to modify or expand existing training.

- J. **Corrective Action:** An action that may be taken against an employee in an effort to correct a situation that, if uncorrected, may require disciplinary action.
- K. **Department Advocate:** The Department Advocate is a resource used by the department to prepare a summary on each administrative charge and prepare a brief identifying the specific conduct supporting each charge. Department Advocate procedures are maintained in the Case Preparation Division Standard Operating Procedures.
- L. **Disciplinary Action:** An action that may be recommended against an employee when he/she fails to follow the policies, rules or procedures of the department. Disciplinary action should be taken to correct a situation where lesser remedial or corrective action is ineffective, inappropriate, or would appear futile under the circumstances.
- M. **Disciplinary/Corrective Action Grid:** A tool used by supervisors and employees to identify the range of sanctions for a sustained investigation of a complaint. The Disciplinary/Corrective Action Grid provides a range of suggested sanctions for proven or admitted allegations. No disciplinary recommendation is final until approved by the Chief of Police. The Disciplinary / Corrective Action Grid shall be used whether the employee elects to have a departmental hearing or agrees to a sanction.
- N. **Last Chance Agreement:** A contractual agreement between the department and employee, consistent with provisions herein, where the employee agrees to specified terms and conditions of continued employment. The duration of the agreement shall be for a specified period of time.
- O. **Misconduct:** Misconduct is an act or omission by an employee, which if proven, may result in some form of remedial, corrective, or disciplinary action. This would include: commission of a criminal act, neglect of duty, failure to act as instructed or required, violation of a policy, rule or procedure of the department, or conduct which may reflect unfavorably upon the employee and/or the department.
- P. **Presentation Meeting:** The first meeting, scheduled by the initiating authority and held as soon as practical but no more than five (5) calendar days after completion of an approved form, in order for the initiating authority to present MNPd Form 311, 313A, 313 and/or 343 to an employee.

- Q. **Reflection Period:** A period of reflection where the employee has up to ten (10) calendar days to consider the findings and recommended sanction after being presented with MNPD Form 313.
- R. **Remedial Action:** An action that may be taken to provide counseling or training for an employee to assist in correcting or modifying behavior. This may be in addition to corrective or disciplinary action.
- S. **Retention Period:** The period of time for which a prior sustained violation of policy may be used or considered when determining if a new violation is a second, third, or other consecutive offense. The retention period for any offense begins when the Chief of Police approves the final sanction.

*Example: An incident occurs on August 8, 2008. After a full investigation, it is determined that a policy was violated which resulted in a MNPD Form 313 charging a category D offense. Ultimately, after review through the chain of command, the Chief of Police approves the MNPD Form 313 on January 1, 2009. For purposes of calculating retention period on this offense, the start date will be January 1, 2009. The same officer is involved in another incident in March 2010 and the conduct charged was the same or similar. That would make it a 2<sup>nd</sup> offense. Later, the same employee is charged with the same or similar conduct on September 2012. This would be a 3<sup>rd</sup> offense as it is within the retention period from the charged 2<sup>nd</sup> offense. For this offense to become a 1<sup>st</sup> offense, the prior 2<sup>nd</sup> offense must be outside the retention period.*

- T. **Settlement Meeting:** The second and final meeting, occurring after the Presentation Meeting and a Reflection Period, where an employee, having been presented with MNPD Form 313 makes a selection of the negotiated sanction or a disciplinary hearing.
- U. **Waiver:** A written document wherein an employee voluntarily relinquishes a right or privilege otherwise provided for in established policy, rules or procedure.

#### **4.10.020 Investigation of Complaints: Supervisor Initiated:**

- A. Supervisory personnel shall initiate a preliminary inquiry to determine if grounds exist to conduct an administrative investigation when:
  - 1. A complaint is received alleging a simple infraction of established standards of conduct or job performance that does not adversely

affect the personal and/or property rights of others. The criteria for investigation of a complaint by a department supervisor may include alleged rudeness on the part of an employee, tardiness, or insubordination.

2. A complaint is received that does not suggest illegal conduct; or
  3. A complaint is received that otherwise requires further extended investigation at the supervisory level.
  4. Provisions 1 – 3 above do not include situations where a citizen disagrees with an otherwise legal and appropriate application of the law (e.g., the issuance of a citation, and there is no further accusation of misconduct). Such matters shall be determined by the courts.
- B. If the concerned employee's supervisor did not initiate the complaint, the supervisor shall document the receipt of the complaint, their involvement, and any relevant information received. The supervisor should then refer the complaint to the supervisor of the involved employee.
- C. The allegation, along with the investigating supervisor's response, shall be documented on the appropriate MNPDP form. Copies shall be forwarded to the Office of Professional Accountability (OPA) and the Office of the Chief of Police through the chain of command of the involved employee. The primary responsibility for completion of the initial investigation, including any recommendation for disciplinary action or a request for additional investigation, rests with the immediate supervisor of the involved employee.
- D. Any recommendation from the investigating supervisor for additional investigation by the Office of Professional Accountability must be made by official memo with clear justification for the request.
- E. Upon notification of the employee's supervisor and/or commander, the Office of Professional Accountability may assume concurrent or sole authority for the investigation at anytime.
- F. Should an investigation, at any time, reveal evidence of criminal conduct, all available information shall be forwarded to the Chief of Police and to the Office of Professional Accountability as soon as possible.
- G. Supervisors of the involved employee shall document complaints and conduct a proper investigation.

- H. Complaints involving serious misconduct, alleged illegal behavior, or complex cases outside the scope of the investigative capability of the involved units, may be referred to the Office of Professional Accountability after the completion of an initial investigation. Such referrals shall be approved by the Precinct/Division Commander or Director. Complaints shall not be referred to the Office of Professional Accountability solely because the need for discipline is indicated by the initial investigation.
- I. The supervisor of the involved employee shall keep the complainant informed concerning the status of a complaint, to include at a minimum:
  - 1. Verification that the complaint has been received for processing.
  - 2. Status reports regarding the progress of the investigation every fifteen (15) calendar days.
  - 3. Notification of the results upon conclusion of the investigation.
  - 4. Investigative reports prepared by supervisors will include a "conclusion of fact". The "conclusion of fact" is drawn from the evidentiary facts, and may include any changes, or recommendation for changes in policies, procedures, rules, and regulations that may prevent future allegations of misconduct, as well as the need to modify or expand existing training.
- J. Supervisor Initiated Investigative Timelines:
  - 1. Active Investigations should be completed within forty-five (45) calendar days from the date the employee has received formal notification that they have become the subject of an internal investigation, or from the date when an employee cannot reach a settlement with his/her supervisor(s) on the allegation, whichever is the later date. Investigations may exceed forty-five (45) calendar days with the approval of the Chief of Police or designee. The complainant and employee shall be notified of the approved extension request. Unless the circumstances, including, but not limited to, the type of offense and the allegations known to the Department, indicate otherwise, the employee will be notified within ten (10) calendar days of receipt of the complaint. The investigating supervisor shall forward the status of any open investigations to the Commander of The Office of Professional Accountability monthly.

2. The above timelines are not applicable to preliminary inquiries or fact-finding used to determine the need for a formal investigation or to determine the appropriate investigative resource. Additionally, the forty-five (45) calendar day timeline would not apply to cases involving circumstances beyond the control of the investigative unit, e.g., cases pending litigation, requiring covert investigation, or where the employee is not readily available for the investigation to precede.

#### **4.10.030 Investigation of Complaints: Office of Professional Accountability**

- A. The Office of Professional Accountability shall review complaints against employees, whether initiated by the public or by a member of the department.
- B. The Director of the Office of Professional Accountability shall be directly accountable to the Chief of Police and the Mayor for the proper administration, general management, and control of all matters related to the operation of that division. The Director of the Office of Professional Accountability has the authority to report directly to the Chief of Police and the Mayor.
- C. The Office of Professional Accountability may initiate an investigation of alleged employee misconduct, with or without a formal complaint, with the prior knowledge and approval of the Chief of Police or designee.
  1. The role of the Office of Professional Accountability is to investigate administrative (departmental) violations, and if during an investigation there are potential criminal violations, the criminal aspect of the investigation will be referred to the appropriate criminal investigative unit.
  2. The Office of Professional Accountability may continue their investigation of the potential administrative violations, as a separate investigation from any criminal investigation. OPA may continue, or have continued, an administrative investigation to assess or establish an administrative duty or omission of duty relevant to the underlying criminal investigation.
  3. The criteria for determining the categories of complaints to be referred to the Office of Professional Accountability may include, but are not limited to: allegations of corruption, brutality, misuse of force, major breach of civil rights and criminal misconduct. When an allegation of misuse of force is reported to the immediate supervisor, it shall be the responsibility of that supervisor to conduct

a preliminary investigation into such allegations before reporting them to the Office of Professional Accountability.

4. **The Chief of Police shall be informed through the chain of command about major complaints as soon as possible, and no later than the start of the next business day.**
- D. The Office of Professional Accountability may make additional inquiry or use investigative measures deemed necessary to verify, authenticate or clarify the findings and recommendations of a supervisor initiated investigative report. The Office of Professional Accountability may include these findings and disposition recommendations with the report submitted to the Chief of Police and the Deputy Chief or Commander/Director of the involved employee.
- E. The Office of Professional Accountability shall complete an appropriate MNPD form (311, 313A, 313, or 343) for any investigation initiated by the Office of Professional Accountability where there has been an investigative finding that an employee has violated any policy, procedure, rule or regulation of the Metropolitan Nashville Police Department or the Civil Service rules and regulations. The completed MNPD form(s) shall accompany the official report.
- F. The Office of Professional Accountability shall have the following additional responsibilities.
  1. Maintain a complaint log,
  2. Maintain a central file of complaints in a secured area and in conformity with records retention requirements from state law,
  3. Conduct a regular audit of complaints to determine the need for changes in training or policy, and report the findings to the Chief of Police and Deputy Chiefs,
  4. Maintain statistical and related information to identify trends involving all complaints of excessive force and abuse of authority, and
  5. Track complaints against individual employees to assist in employee risk analysis.
- G. The Chief of Police and/or Office of Professional Accountability investigators shall keep the complainant informed concerning the status of a complaint, to include:



1. Verification that the complaint has been received for processing.
  2. Status reports regarding the progress of the investigation every thirty (30) calendar days.
  3. Notification of the results upon conclusion.
- H. Investigative reports prepared by the Office of Professional Accountability into allegations of misconduct will include an "Investigative Finding". The "investigative finding" is drawn from the evidentiary facts, and may include recommendations to changes in policies, procedures, rules, and regulations that may prevent future allegations of misconduct, as well as the need to modify or expand training.
- I. The Office of Professional Accountability shall compile an annual statistical summary based on records of employee investigations, to be made available to the public and department employees.

**4.10.040 Office of Professional Accountability Records and Confidentiality**

- A. The Office of Professional Accountability shall be informed of all final disciplinary decisions.
- B. The case files at the Office of Professional Accountability shall be maintained separately from personnel records.
- C. OPA Investigative Timelines:
1. Active Investigations should be completed within forty-five (45) calendar days from the date the employee has received formal notification that they have become the subject of an internal investigation, or from the date when an employee cannot reach a settlement with his/her supervisor(s) on the allegation, whichever is the later date. Investigations may exceed forty-five (45) calendar days with the approval of the Chief of Police or his designee. The complainant and employee shall be notified of the approved extension request. Unless the circumstances, including, but not limited to, the type of offense and the allegations known to the Department, indicate otherwise, the employee will be notified within ten (10) calendar days of receipt of the complaint. The commander of the Office of Professional Accountability will forward a status report twice monthly of all active cases to the Chief of Police.
  2. The above timelines are not applicable to preliminary inquiries or fact-finding used to determine the need for a formal investigation or

to determine the appropriate investigative resource. Additionally, the forty-five (45) calendar day timeline would not apply to cases involving circumstances beyond the control of the investigative unit, e.g., cases pending litigation, requiring covert investigation, or where the employee is not readily available for the investigation to proceed.

3. An investigation is closed when it has been reviewed and approved as closed by the appropriate supervisory personnel of the assigned investigator.
4. A closed investigation may be re-opened upon receipt of new information.

#### **4.10.050 Investigative Interviews, Examinations & Searches**

##### **A. Formal Investigative Interviews**

1. The provisions provided in this section are intended to provide guidance to supervisors in conducting formal investigative interviews and are not applicable to routine questioning or preliminary inquiries. A formal investigation is generally described as one where the target of the investigation has been identified and disciplinary action is expected or pending.

**NOTE:** *Provisions applicable to OPA conducted interviews, examinations and searches are in the OPA Standard Operating Procedures and available for inspection during normal business hours.*

2. When an employee receives official notification that they have become the subject of a formal internal investigation, the investigating authority shall issue the employee a brief statement of the allegations and refer the employee to Article 4.10.050, Section (A)(4) concerning their rights and responsibilities relative to the investigation. Unless the circumstances, including, but not limited to, the type of offense and the allegations known to the Department, indicate otherwise, the employee will be notified within ten (10) calendar days of receipt of the complaint.
3. Significant misconduct or criminal activity.
4. The employee under formal investigation shall also be given the following admonitions preceding an interview by an investigator:
  - a. You are advised that this is a formal internal administrative investigation only.

- b. You shall be asked and are required to answer all questions specifically related to the performance of your duties, and your fitness for office.
- c. If you refuse to answer these questions, you can be subject to disciplinary action that may include discharge or removal from office. You may also be subject to disciplinary action for knowingly giving false statements.
- d. These Rights <sup>1</sup>are those provided to the employee in administrative investigations. In no way should it be construed that these rights <sup>2</sup>are provided in a criminal investigation. If at any point during questioning about an administrative investigation there is a determination the conduct may involve a potential criminal violation, all questioning will stop and further investigation, criminal or administrative, will proceed as appropriate.

5. Counsel During an Interview

- a. Employees may have an attorney, employee group representative, supervisor, or a personal representative with them during any formal internal investigative interview. The representative cannot be involved as a participant in the interview, as a witness, or where there is an allegation that the representative is a participant in any manner.
- b. The employee representative's role is that of an observer only.
- c. An interview may not be unreasonably delayed by requests for changes in personal representatives, or requests for representatives not currently available under this subsection.

B. Examinations and Searches

- 1. The department may direct that the employee undergo an intoximeter, blood, urine, psychological, polygraph, computer voice stress analysis (CVSA), medical examination or any other exam not prohibited by law or policy, provided the examination is pertinent to an administrative investigation (*Exams such as these which may be part of a criminal investigation are guided by existing criminal investigative laws*). Refusal to sign, or alteration of a waiver to submit to any of the referenced examinations, shall

---

<sup>1</sup> Garrity vs. New Jersey, 385, U.S. 493 (1967)

<sup>2</sup> Garrity vs. New Jersey, 385, U.S. 493 (1967)

be considered a refusal to submit to the exam. *(Violation of this provision shall be a category A Offense)*

2. Polygraph and/or Computer Voice Stress Analysis (CVSA) reports may be submitted for consideration with the investigative file. Polygraph/CVSA examinations unaccompanied by other objective evidence will not conclusively establish or refute allegations of misconduct. Employees will not be subject to corrective action or discipline solely on the results of a polygraph or CVSA examination.
3. Employees may request a second medical, laboratory, polygraph, other examination, or have test results independently reviewed; however, employees shall incur all costs for secondary testing or review. If a polygraph or CVSA examination is not requested during an investigation, employees may obtain an examination at his/ her expense.
4. No additional or subsequent CVSA or Polygraph testing, nor review, critique or evaluation of any test results, will be performed by departmental personnel except upon request of the initial examiner or the initial examiner's supervisor(s) or other personnel with primary responsibility for conducting the investigation.
5. An on-duty supervisor may direct an employee to submit to a breath or urine test as stated in current department policy on substance abuse. This would not preclude an employee from volunteering to submit to such tests.
6. An employee can be required to physically participate in a lineup for investigative purposes in an administrative investigation.
7. No employee of the Metropolitan Police Department shall have an expectation of privacy in any property, facility, or storage area issued to or used by them. This shall include personally owned property transported and/or stored within any departmentally owned, issued or utilized vehicle, facility or storage area.
8. Photographs of an employee may be taken if such photos are pertinent to an administrative investigation.
9. An employee may be required to submit financial disclosure statements, if there is reason to believe that such items are pertinent to an administrative investigation.

- C. An employee who withholds information during an internal investigation, or fails to cooperate with internal investigations, is subject to disciplinary action. This discipline may be in addition to any other disciplinary action based on conduct disclosed by the primary investigation. (*Violation of this provision shall be a category A Offense*)

#### **4.10.060 Investigative Finding**

- A. At the conclusion of an investigation of alleged misconduct an “Investigative Finding” will be made. These findings will be reported to the involved employee(s) and through the chain of command to the Chief of Police. Once such findings are approved they shall also be reported to the complainant. The “Investigative Finding” will be derived from the following criteria and shall be reported as follows:

***Exonerated*** – An incident did occur but the action was consistent with established policy, rules, or procedure.

***Sustained*** – The allegation is true. The action was inconsistent with established policy, procedure, or rules.

***Policy/Training Failure*** – Although the action was consistent with departmental policy or training, the need to review, revise or develop departmental policy, procedure or training was identified.

***Not Sustained*** – There is not sufficient evidence to sustain or refute the allegation.

***Unfounded*** – The allegation was proven false.

***Matter of Record*** – Cases may be administratively closed and maintained as a matter of record that the complaint was made, when the investigation cannot conclusively disprove complaint allegations or establish that the alleged events occurred. This designation may also be used when investigations are closed or suspended due to the remoteness of subject events, unavailability of necessary witnesses or unavailability of the subject. (e.g. military leave, incapacitating illness). The summary will report all investigative efforts and acknowledge that the investigation may be revisited at a later date, if additional information becomes available.

- B. Associated Recommendations

The investigating authority may make such additional recommendations it deems necessary, to include but not limited to:

1. The need for remedial, corrective, or disciplinary action,
  2. The need to review or revise departmental policy, procedure, or training,
  3. Or any other recommendation the investigating authority deems relevant; and/or
  4. Any misconduct that may be identified which was not associated with the original complaint.
- C. In the event of disagreement as to the proposed finding(s), supervisors at any level may document their rationale in a correspondence to be attached to the recommendation.

**4.10.070 MNPD Form 311: Remedial Counseling Report**

- A. Counseling may be used to accomplish many goals. One purpose is to allow supervisors an opportunity to explain why they are dissatisfied with an employee's behavior. Secondly, counseling gives an employee the opportunity to present their version of what caused the behavior. Another purpose is to correct a minor infraction, or to put an employee on notice of a possible problem.
- B. When a supervisor identifies an employee with a problem in an area, subject matter, or performance the supervisor believes is not serious, the supervisor should document the behavior and counsel the employee. During the counseling session, the problem will be discussed and the supervisor shall set guidelines for the employee to follow to alleviate the problem.
- C. The supervisor shall document the counseling session on MNPD Form 311, Remedial Counseling Report, allowing joint commitment by the employee and the supervisor as to expectations, and used as needed for documentation at a later time. Such form may be retained at the division level as part of the employee file.
- D. If the situation has not been corrected after the remedial counseling session, any further neglect, inability or failure of an employee to appear, act, or perform as instructed or required, may constitute grounds for corrective or disciplinary action.
- E. Counseling under this section is not considered corrective or disciplinary action in and of itself. However, it may be combined and included with corrective or disciplinary action to document the counseling that occurred as part of such action. Formal counseling

sessions designed to serve as corrective action are covered in Article 4.10.100.

- F. Remedial counseling or any verbal counseling initiated by any supervisor shall not preclude a reviewing supervisor or the initiating supervisor from initiating corrective or disciplinary action from the incident in question.

#### **4.10.080 MNPd Form 343: Remedial Training Request**

- A. Employees of the department who are found by their supervisors to be deficient in some area may be required to attend training sessions designed to remedy the problem. An employee can also request remedial training in areas he/she wishes to become more proficient.
- B. The training should be given at the earliest opportunity. The following methods of instruction may be used:
  - 1. Training provided by any authorized departmental personnel;
  - 2. Re-assignment to a Field Training Officer;
  - 3. Enrollment in a course of instruction sponsored by MNPd or another agency; or
  - 4. Any other training deemed necessary or appropriate.
- C. When inefficiencies are identified, supervisors shall document that an employee is in need of additional training and forward this report to their Precinct/Division Commander or Director. The Precinct/Division Commander or Director shall direct the employee to participate in the type of training deemed necessary to correct the deficiency.
- D. If the employee fails to complete the training, or the situation has not been corrected after the training is complete, any further neglect, inability or failure of an employee to appear, act, or perform as instructed or required, may constitute grounds for disciplinary action.
- E. Remedial training under this section is not considered corrective or disciplinary action in and of itself. However, it may be combined with corrective or disciplinary action to document the training that occurred as part of such action.
- F. Remedial training or any verbal training or instruction initiated by any supervisor shall not preclude a reviewing supervisor from initiating corrective or disciplinary action from the incident in question.

- G. MNPDP Form 343, Remedial Training Request Form shall be used to document any training recommended, approved and provided. Only employees designated as having supervisory authority shall complete a MNPDP Form 343. If a MNPDP Form 312, 313A or 313 is generated in conjunction with a request for remedial training, a copy of the MNPDP Form 343 shall be attached to the 312, 313A, or 313 and the original forwarded to the Training Academy to be entered into the employee's training records.

#### **4.10.090 MNPDP Form 312: Complaint Report**

- A. Supervisory employees shall complete a MNPDP Form 312, Complaint Report upon receipt of a complaint.
- B. The MNPDP Form 312, Complaint Report, upon completion of a proper investigation, may be the basis for remedial, corrective or disciplinary action and shall be attached to and processed with the appropriate MNPDP Form 311, 313A, 313, and/or 343.
- C. Whenever the complaint alleges a simple infraction of established standards of conduct or job performance that does not adversely affect the personal and/or property rights of others, suggest illegal involvement, or otherwise require formal investigation, the supervisor shall report an appropriate conclusion of fact, and the resolution on the MNPDP Form 312, Complaint Form. The supervisor may include any supporting documentation as an attachment. When such complaint is resolved on the Form 312, the Division Commander shall approve such resolution and forward the Form 312 consistent with the provisions herein.
- D. This is not meant to include situations where a citizen disagrees with an otherwise legal and appropriate application of the law. These matters shall be resolved by the appropriate courts.
- E. When the complainant does not meet the criteria of section "C" above (simple infraction), the MNPDP Form 312, Complaint Form shall be the basis for conducting further investigation at the Division level or referred to the appropriate investigative authority. The MNPDP Form 312, Complaint Form shall be attached to any Form 313A, Corrective Action/Counseling Form or Form 313, Internal Disciplinary Resolution Report, generated as a result of the complaint.

#### **4.10.100 MNPDP Form 313A: Corrective Action /Counseling Report**

- A. Only employees designated as having supervisory authority shall complete a MNPDP Form 313A, Corrective Action/Counseling Form.



- B. Whenever the supervisor determines or an investigation reveals more than a simple infraction of established standards of conduct or job performance that does not adversely affect the personal and property rights of others, suggest illegal involvement, or otherwise require further investigation, the supervisor shall complete a MNPDP Form 313A, Corrective Action/Counseling Form.
- C. The MNPDP Form 313A, Corrective Action/Counseling Form shall be used to document formal counseling sessions designed to serve as corrective action, oral reprimands, written reprimands, or to recommend reassignment.

**4.10.110 MNPDP Form 313: Internal Disciplinary Resolution Report**

- A. Only employees designated as having supervisory authority shall complete a MNPDP Form 313, Internal Disciplinary Resolution Form.
- B. The supervisor shall complete a MNPDP Form 313, Internal Disciplinary Resolution Form, whenever the supervisor determines, or an investigation reveals, a violation of the policies, rules or procedures of Metropolitan Government of Nashville and Davidson County has occurred, when job performance may have adversely affected the personal and property rights of others, involvement in illegal activity is suggested, or otherwise requires further investigation.
- C. The MNPDP Form 313, Internal Disciplinary Resolution Form shall be used to document and recommend administrative leave, suspension, demotion, or dismissal. Any aggravating or mitigating factors shall also be documented.

**4.10.120 Processing of MNPDP Forms 311, 312, 313A, 313, and 343**

- A. An MNPDP Form 311, 312, 313A, or 313, once generated and a control number assigned, is considered an official document of the Metropolitan Police Department and its preservation is governed by established policy on the preservation of official documents.
- B. The reporting supervisor shall submit all MNPDP Forms 312, 313A, and 313 through the appropriate chain of command for review and/or approval consistent with provisions herein.
- C. After final resolution, originals of all MNPDP Forms 312, 313A, and 313 shall be forwarded to the Office of the Chief of Police for storage and safekeeping. Upon receipt by the Office of the Chief of Police, appropriate copies shall be forwarded to MNPDP Human Resources Division. Copies of all MNPDP Forms 312, 313A, and 313 shall be forwarded to the Office of Professional Accountability. Upon receipt, The Office of Professional Accountability shall store and maintain the forms as required by law. Any destruction of such records will be conducted in accordance with established law regarding maintenance and retention of public records.
- D. Processing procedures for MNPDP Form 343, Remedial Training Request, are found in existing departmental policy and procedure regarding training standards.

**4.10.130 Determining the Appropriate Charge**

- A. In determining the appropriate charge(s) the supervisor shall ensure, after a thorough and accurate investigation, all facts and circumstances are reviewed in light of established policy, rules, and procedures of the Metropolitan Government of Davidson County.
- B. When conduct is determined to fall within multiple policies, rules, or procedures, and/or may be charged under multiple categories, guidance may be sought by reviewing of records of similar occurrences, from the chain of command, or consult with authoritative sources (e.g. OPA or Department Advocates) prior to creating a formal charging instrument.
- C. The Precinct/Division Commander or Director will make a final Precinct or Division level recommendation regarding the appropriate charge, along with any aggravating or mitigating factors. The recommendation will be subject to the review of the Deputy Chief or Director of the employee's chain of command. The supervisor shall list all appropriate charges on the charging instrument. It will be the responsibility of the

charged employee's supervisor to research the employee's disciplinary history, make a decision as to the nature of the offense, and identify aggravating/mitigating factors that may enhance or reduce sanctions or indicate referral to OPA would be appropriate.

- D. The formal charging instrument is a MNPDP Form 313A, or MNPDP Form 313 with a control number assigned. In the event of disagreement as to the proposed charge(s), supervisors at any level may document their rationale in a correspondence to be attached to the recommendation.
- E. All charges related to a single incident shall be included in one filing of charges on a single charging instrument (MNPDP Form 313A or MNPDP Form 313).

#### **4.10.140 The Disciplinary/Corrective Action Grid**

**A. Application Of The Disciplinary / Corrective Action Grid:**

- 1. The Disciplinary / Corrective Action Grid provides a range of sanctions for proven or admitted allegations. Upon completion of the investigation, the investigating supervisor, along with his/her chain of command (up to and including Precinct/Division Commander or Director), will determine the appropriate level of severity for the offense.
- 2. The Precinct/Division Commander or Director will make a final Precinct or Division level recommendation regarding where the alleged conduct falls on the Disciplinary/Corrective Action Grid and the recommended sanction. The recommendation will be subject to the review of the Deputy Chief or Director of the employee's chain of command. In the event of disagreement as to the proposed sanctions, supervisors at any level may document their rationale in a correspondence to be attached to the recommendation.
- 3. The formal hearing process will continue to be an alternative for an employee to utilize when they feel like they are not responsible for the alleged behavior, and/or disagree with the suggested disciplinary action. However, it is believed that most employees who have engaged in misconduct would like the opportunity to acknowledge their behavior, accept responsibility and a reasonable sanction so they can move forward with their careers. Many occurrences of misbehavior are mistakes in judgment that can be corrected by a reasonable corrective or disciplinary action, so the employee can go forward as a productive and contributing member of the department.

**B. Continued Misconduct or New Information:**

1. Continued misconduct after an employee has reached the third offense of any category of disciplinary violation raises the sanction to the third offense in the next highest offense category of the highest category of any of the previous three or more offenses.

*For example: a fourth violation for an F category offense will be disciplined as a third E category offense. Subsequent violations will follow the same process, in that; a fifth F category offense would be sanctioned as a third D category offense.*

2. Any subsequent violation of a policy within the same offense category within the stated retention period is considered a second or third offense.
3. Any settlement agreement or final sanction reached prior to the introduction or discovery of new information may be invalidated depending upon the nature of the new information disclosed, and may result in the employee receiving new or additional charges, and/or new or additional sanctions.

**C. Aggravating and Mitigating Factors:**

1. The grid does not include specific mitigating and aggravating circumstances, however, any mitigating or aggravating circumstances being used by the reporting supervisor should be documented on the MNPd Form 313 and specifically described in an attached document.
2. In determining aggravating and mitigating factors, supervisors shall consider conduct related to the charged offense or related prior conduct.
  - a. In determining aggravating factors, such conduct may be the absence of exigent circumstances, the employee's rank, position, or assignment, effect on morale, intention to circumvent policy, disregard or opposition to authority, creation of jeopardy, injury to employee or citizen, increased risk of harm to self or others, inappropriate exercise of authority, withholding of information, gross negligence, ignorance of law or fact, or similar factors.
  - b. In determining mitigating factors, such conduct may be the necessity for immediate appropriate action, a sudden or unforeseen occurrence or condition, existence of exigent

circumstances, voluntary disclosure and correction, genuine mistake of law or fact, or similar factors.

3. Aggravating factors can raise the penalty one category level in the same offense range (e.g. a category D 2<sup>nd</sup> offense would become a category C 2<sup>nd</sup> offense).
4. Mitigating factors can lower the penalty one category level in the same offense range (e.g. a category C 2<sup>nd</sup> offense would become a category D 2<sup>nd</sup> offense).

#### **4.10.150 Presenting Findings to the Accused Employee**

##### **A. General Provisions for the Presentation Meeting**

1. The supervisor initiating corrective or disciplinary action against an employee shall be responsible for notifying the employee of the act or acts that brought about the action, and the employee's rights under Civil Service Rules, including any right to a departmental hearing. The Precinct/Division Commander (or Civilian Equivalent) shall be responsible for conducting a meeting with the employee to present the findings of the investigation and a proposed resolution (e.g. MNP Form 311, 313A, 313, or 343). Such forms should be completed after the investigative findings have been presented to the Precinct/Division Commander (or Civilian Equivalent), and after any appropriate review by the Office of Professional Accountability, the Police Training Academy (for MNP Form 343), or similar consulting authority.
2. This initial meeting, hereinafter referred to as the Presentation Meeting, shall be held as soon as practical but no more than five (5) calendar days from the completion of MNP Forms 311, 313A, 313, or 343. The five (5) calendar day timeline begins with the approval of the form by the affixing of a signature and date by the Precinct/Division Commander (or Civilian Equivalent). This five (5) day schedule is to provide ample notice to the involved employee in order to identify and secure the attendance of counsel or employee representative and to be fully prepared to discuss the matter.
3. When scheduling the Presentation Meeting with the affected employee, copies of the documentation used to determine the corrective or disciplinary action, along with the appropriate MNP Form (311, 312, 313A, 313 and/or 343) will be provided to the employee in order that they may prepare for the Presentation Meeting.

4. During this Presentation Meeting, the recommended charges, if any, and the recommended corrective/disciplinary action will be presented to the employee in the form of an appropriate MNPDP form. The meeting will be conducted by the accused employee's chain of command (including the Precinct/Division Commander or Civilian Equivalent and including the accused employee's supervisor).
5. If, during the presentation or settlement process, the Precinct/Division Commander (or Civilian Equivalent) determines that extraordinary circumstances exist and that additional time for review and consideration of new information, or is otherwise indicated to be in the best interest of the department or employee, the Precinct/Division Commander (or Civilian Equivalent) may request an extension of up to ten (10) additional calendar days with the approval of the Bureau Commander.
6. The employee may select a representative to accompany him/her to the meeting. However, the availability of an employee representative or counsel should not be cause to unreasonably delay any meeting
7. The employee will be formally presented copies of the documentation used to determine the corrective or disciplinary action, along with the appropriate MNPDP Form (311, 312, 313A, 313 and/or 343), and will be given an opportunity to read the documents and consult with his/her representative.
8. The accused employee's supervisor will review, with the employee, the different procedural alternatives available under existing policy that the employee has available to resolve the matter.
9. Upon request of the employee, the Precinct or Division Commander or Civilian Equivalent shall ensure the employee receives a copy of or has access to any MNPDP policies governing the departmental violation(s) and the departmental policies on Department and Personal Appearance and Discipline and Corrective Action.
10. The proper and orderly administration of the disciplinary process requires that the Presentation Meeting-this initial meeting be conducted in a timely manner.

**B. Timelines for MNPD Corrective/Disciplinary Action**

	<b>Form Completion</b>	<b>Presentation Meeting</b>	<b>Settlement Meeting (After Reflection Period)</b>	<b>Extraordinary Circumstance Extension</b>	<b>Maximum Time From Complete Report to Resolution by Settlement or Hearing Selection</b>
<b>MNPD Form 311: Remedial Counseling</b>	Without undue delay at completion of investigation.	No more than five (5) calendar days after completion of an approved form.	Not Available	Up to ten (10) additional calendar days with the approval of the Bureau Commander.	Fifteen (15) calendar days.
<b>MNPD Form 343: Remedial Training Request</b>	Without undue delay at completion of investigation.	No more than five (5) calendar days after completion of an approved form.	Not Available	Up to ten (10) additional calendar days with the approval of the Bureau Commander.	Fifteen (15) calendar days.
<b>MNPD Form 313A: Corrective Action/Counseling Form</b>	Without undue delay at completion of investigation.	No more than five (5) calendar days after completion of an approved form.	Not Available	Up to ten (10) additional calendar days with the approval of the Bureau Commander.	Fifteen (15) calendar days.
<b>MNPD Form 313: Internal Disciplinary Resolution Form</b>	Without undue delay at completion of investigation.	No more than five (5) calendar days after completion of an approved form.	On or before the tenth (10 <sup>th</sup> ) calendar day from the Presentation Meeting.	Up to ten (10) additional calendar days with the approval of the Bureau Commander.	Twenty-Five (25) calendar days.

**C. Presentation Meeting: MNPD Form 311, Remedial Counseling Report or Form 343, Remedial Training Request**

During the Presentation Meeting, the employee is presented with MNPD Form 311 or 343; circumstances will be reviewed and discussed, and the accused employee will sign and date/time the form. The form will be processed according to established procedure. With the approval of the Precinct/Division Commander (or Civilian Equivalent), this meeting may be conducted by the immediate supervisor of the affected employee.

**D. Presentation Meeting: MNPD Form 313A, Corrective Action/Counseling Form**

1. During the Presentation Meeting, when the employee is presented with MNPD Form 313A, circumstances will be reviewed and discussed, and the accused employee will sign and date/time the form. The form will be processed according to established

procedure. Resolution of the corrective action will not be complete and final until the Chief of Police has approved the MNPDP Form 313A.

2. The employee signature is required; however the employee may note any disagreement and attach a separate statement if he/she chooses.
3. An employee, who refuses to comply with instructions regarding completion of the applicable portions of the form, will receive a direct instruction from an authoritative source to comply. A subsequent refusal may result in a separate corrective or disciplinary action for failure to comply with instructions from an authoritative source.

E. Presenting the MNPDP Form 313, Internal Disciplinary Resolution Form

1. The preference is for as many cases as possible to be resolved at the Presentation Meeting or Settlement Meeting without a formal hearing. It is clearly beneficial to all parties involved to resolve these complaints as quickly as is possible, without sacrificing the goals of the corrective action or disciplinary process or a fair process for the employee.
2. The supervisor initiating corrective or disciplinary action against an employee shall be responsible for notifying the employee of the act or acts that brought about the action, and the employee's rights under Civil Service Rules, including any right to a departmental hearing.
3. Presentation Meeting: The first meeting after completion of the MNPDP Form 313. Scheduled by the initiating authority without undue delay and with ample notice to the involved employee to identify and secure the attendance of counsel or employee representative.

When MNPDP Form 313 is presented to the employee during this Presentation Meeting, the employee has three (3) options.

- a. Immediate Resolution: The employee may elect to immediately accept responsibility for the sustained allegations and accept the recommended sanction based upon a proper application of the grid. The employee will check the box on MNPDP Form 313 indicating "accept responsibility for actions", and check the box indicating "agree" with the recommended discipline, thereby waiving the right to a formal disciplinary hearing and any appeal



and the MNPD Form 313 will be processed through the chain of command.

- 1) Reflection Period: The employee may elect to have a period of reflection where the employee has up to ten (10) calendar days to consider the findings and recommended sanction. When an employee makes this selection, the Precinct/Division Commander (or Civilian Equivalent) will have the employee sign an acknowledgement that documents their receipt of the MNPD Form 313 copy and their obligations during this ten (10) calendar day reflection period.
  - 2) Prior to the conclusion of the Presentation Meeting, a follow-up Settlement Meeting will be scheduled for the tenth (10<sup>th</sup>) day (or as close thereto as practical without exceeding ten (10) calendar days) for final resolution.
  - 3) If an employee does not make a selection at or before the tenth (10<sup>th</sup>) day appointment, the employee will be deemed to have selected a disciplinary hearing and the matters pending shall be referred to a departmental hearing consistent with provisions herein.
  - 4) At any point during prior to or at the tenth (10<sup>th</sup>) day appointment, the matter may be resolved by settlement agreement.
  - 5) During the time up to the scheduled Settlement Meeting, the employee shall consider the settlement proposal and be prepared to discuss the recommended sanction, and the employee should be prepared to make a decision. The employee should also secure the advice or attendance of any employee representative or counsel, however, the availability of an employee representative or counsel should not be cause to unreasonably delay any meeting.
- c. At any point during the Presentation Meeting process or Reflection Period, the employee may request a departmental hearing consistent with the provisions herein.
4. Settlement Meeting: During this Settlement Meeting (second meeting) following the Presentation Meeting (first meeting) and Reflection Period, the accused employee and/or their representative can again negotiate the recommended sanction. The Settlement Meeting is scheduled at the Presentation Meeting

and occurs on or before the tenth (10<sup>th</sup>) day from the Presentation Meeting.

- a. During this meeting (Settlement Meeting), the accused employee and/or their representative can negotiate the recommended sanction. Every effort should be made by the employee and the accused employee's supervisor to negotiate a settlement. The intention of the sanction is to not punish the employee for the behavior, but to correct the behavior so that it does not occur in the future. Cooperation from both parties is essential for the effectiveness of the Disciplinary/Corrective Action Grid process.
- b. At the conclusion of the Settlement Meeting, the available results are:
  - 1) The employee accepts responsibility and the negotiated settlement. The employee and Division Commander (or Civilian Equivalent) signs the MNPDP Form 313 indicating resolution.
  - 2) The employee is unable to reach a conclusion that he/she accepts responsibility for the sustained allegation(s) and/or does not agree with the sanction determined through the discipline grid. The applicable boxes on the MNPDP Form 313 will be marked. The employee will also be required to indicate that he/she desires that the matter be resolved by a disciplinary hearing and an appropriate hearing type selected. The completed MNPDP 313 form will be processed through the chain of command. The accused employee's supervisor should indicate on the MNPDP Form 313 that an agreement could not be reached and the reason for the impasse.
5. The Settlement Meeting will be the final meeting. The accused employee will not be allowed a third opportunity to consider the sustained allegations. If the accused employee is unable to reach a conclusion that he/she accepts responsibility for the sustained allegation(s) after Presentation Meeting, the Reflection Period, and Settlement Meeting (or does not agree with the sanction determined through the discipline grid), the applicable boxes on the MNPDP Form 313 will be marked to indicate referral to a Disciplinary hearing consistent with the provisions herein for a disciplinary Advisory Panel hearing. The completed MNPDP 313 form will be processed through the chain of command. The accused employee's supervisor should indicate on the MNPDP Form 313 that

an agreement could not be reached and the reason for the impasse.

6. An employee, who refuses to comply with instructions regarding completion of the applicable portions of the form, will receive a direct instruction from an authoritative source to comply. A subsequent refusal may result in a separate corrective or disciplinary action for failure to comply with instructions from an authoritative source. A refusal to sign the MNPDP Form 313, or make any of the selections required, will be processed as if the employee indicated "Not Guilty" and disagreed with the recommended action and requested a formal hearing. If such refusal should occur, the presenting supervisor shall document such actions by the employee in an attachment to the MNPDP Form 313.
7. If the accused employee requests a hearing before the Precinct/Division Commander, he/she shall indicate that request on the MNPDP Form 313 by checking the appropriate box. Such request will be subject to approval of the Chief of Police and will require the employee to sign a written agreement to waive their right to a hearing with the Chief of Police and any appeals under Civil Service Rules and Policies.
8. If the accused employee requests a hearing before the Chief of Police he/she shall indicate that request on the MNPDP Form 313 by checking the appropriate box.
9. Unless an employee specifically requests a hearing before the Precinct/Division Commander or Director, or the Chief of Police, and such request is approved, a disciplinary advisory panel shall be convened.
10. At any point during the presentation or settlement process, the employee may present exonerating or exculpatory evidence to the Division Commander (or Civilian Equivalent) for consideration.
11. **No recommendation or settlement prescribed on the MNPDP Form 313 shall be complete until approved and final by the Chief of Police.**

#### **4.10.160 Pre-Investigation Settlement Agreement Process**

- A. Settlement meetings and negotiations may be conducted on initiated investigations. If an agreement is reached, the responsible authority

will complete the 313 and forward it to the employee's Precinct/Division Commander or Director.

- B. Once an employee is notified of an allegation of misconduct, that if proven true would be a violation of policies, procedures, or rules of the Metropolitan Government subjecting that employee to disciplinary or corrective action, and the employee wishes to fully and completely acknowledge that behavior, the Settlement Agreement process can be utilized to settle the matter without an investigation.
1. A complaint is received by OPA or the employee's supervisor and a determination is made that:
    - a. The complaint is against a member of the MNPd, and
    - b. The allegations, if true, would constitute a violation of policies, procedures, or rules of the Metropolitan Government.
  2. Once the determination has been made that the violation meets the above criteria, under normal circumstances the employee will be notified within ten (10) calendar days of receipt of the complaint, but the notification timeframe may vary depending on the type of investigation. The employee may admit culpability on the referenced complaint, and no further investigation will be necessary. The employee may also obtain a representative to participate in further discussion on the matter.
  3. The settlement agreement process combines an agreement between an employee, an employee's representative (if requested), and the employer. No single entity can drive this process - it requires the cooperation of all parties. An employee may waive representation and enter into a disciplinary agreement with the department. Employees will not be permitted to unreasonably delay resolution by use of multiple representatives or multiple successive representatives.
  4. In order to ensure consistency and fairness in the settlement process, the Director of OPA, or designee, shall be notified of all settlement negotiations. Where the proposed sanction is not already agreed upon, or one or more of the parties involved feel OPA could offer assistance in reaching an agreement, OPA shall be required to participate in the settlement negotiations.
  5. When confidentiality of a complaint is required to assure the integrity of an on-going investigation and prior to complaint resolution, the employee and/or his/her representative may be

instructed to maintain the confidentiality of the complaint or the investigation. Failure to follow such instruction from an authoritative source shall be grounds for disciplinary action. Nothing herein shall preclude an employee from seeking appropriate representation or legal counsel.

6. Notification of the employee and/or representative may be delayed until an investigation is complete if the behavior described in the complaint constitutes serious or criminal misconduct, or the ability to investigate the allegations would be severely impaired by the disclosure of the investigation.
7. The OPA Director, designee, or the employee's supervisor will inform the employee and/or representative of the allegations against the employee. A notified representative will be given a reasonable opportunity to contact the accused employee.
8. After discussion with the accused employee, the representative or employee may inquire from the negotiating/charging authority (generally the employee's Precinct/Division Commander, Director, or OPA investigator) what the likely sanction will be if the misconduct is admitted.
9. The responsible/charging authority will consult with the appropriate chain of command and determine what level of sanction would be imposed against the employee if he/she were to admit misconduct using the Disciplinary / Corrective Action Grid.
10. The responsible/charging authority will then notify the employee and/or their representative to discuss and negotiate an appropriate disposition.
11. If the parties agree on the sanction and the charges, the case may be resolved without conducting a formal investigation into the allegations.
12. A Settlement Agreement and/or Complaint Resolution can occur at any point between the receipt of the complaint and before the conclusion of a Disciplinary Hearing Advisory panel.
13. The Settlement Agreement process cannot be used, or function, without the complete and unwavering truthful admission of the employee. Employees must be truthful concerning all circumstances surrounding the complaint. An employee's admission concerning the complaint will not preclude a complete investigation and/or additional discipline, where indicated by

previously undisclosed circumstances or circumstances unknown at the time of settlement.

14. A full investigation may also be conducted if the OPA Director, or designee, or the employee's supervisor receives any new information regarding the original matter. Under such circumstances, there is no requirement that the employee be notified within ten (10) calendar days.
15. Upon admission of misconduct, through written waiver and agreement of all parties, there will be no departmental or civil service appeal of the agreed sanction.

**C. Resolution Disagreement**

If the accused employee has agreed to accept responsibility for their behavior but is "disagreeing" only with the extent of discipline requested, every effort should be taken at each stage of the "reviewing chain of command" to resolve the disagreement without a formal hearing. Resolution may occur up through the chain of command up to and including Deputy Chief. However, if an acceptable resolution cannot be agreed upon, the case shall be set for a formal hearing. The Disciplinary/Corrective Action Grid will be used at the completion of a hearing to determine the appropriate outcome.

**D. Corrective Action**

1. Corrective action may be initiated by supervisors against employees not directly subordinate to them by providing a written report of the incident to the employee's immediate supervisor.
2. When corrective action is taken, the facts and circumstances that necessitated the action shall be prepared in writing by the corrected employee's supervisor using the Counseling/Corrective Action Report (MNP Form 313A). An oral or written reprimand initiated by a supervisor is subject to approval of his/her chain of command. If the Deputy Chief (or civilian equivalent) does not approve the action taken, no record of the incident shall be made and those involved will be notified. If the action is approved, a copy of the written reprimand or notation of an oral reprimand will be placed in the employee's personnel file and maintained in accordance with Civil Service Rules.
3. An employee who has corrective action taken against him/her may state their version of the incident in writing and have it maintained with the original MNP Form 313A.

4. No record of corrective action involving oral or written reprimands, or an employee's response, shall be removed, destroyed, altered, or otherwise tampered with except by the authority of the Civil Service Commission.
5. Any employee having corrective action taken against him/her should interpret the action as a formal censure of their conduct or performance and as a prelude to disciplinary action if appropriate adjustments in conduct are not made.
6. If the situation has not changed after the corrective action has been taken, any further neglect, inability or failure of an employee to appear, act, or perform as instructed or required may constitute grounds for disciplinary action.
7. All charges related to a single incident shall be included in one filing of charges-i.e., if a reprimand is recommended in addition to a suspension, it should be approved at the same time as the 313 OR if a hearing is requested on the 313, approval of the 313A by executive staff should occur AFTER the hearing - essentially, they should not be separated in time or place.

#### **4.10.170 Disciplinary Action**

- A. General provisions regarding the types of disciplinary action authorized, the grounds for such action, and other procedures to be followed regarding a hearing, appeal, or other related matters are provided in Civil Service Rules. Although these rules stipulate that disciplinary action is to be recommended by an employee's supervisor, it does not prohibit any supervisor from recommending the type of action to be taken against another employee to the employee's supervisor. This is done by submitting a written recommendation to the employee's supervisor for him/her to investigate and prepare appropriate paperwork.
- B. Although subordinate command and supervisory employees may recommend any authorized corrective / disciplinary action (using the Disciplinary / Corrective Action Grid), resolution of the corrective / disciplinary action will not be complete and final until the Chief of Police has approved the MNPd Form 313.
- C. Since the Chief of Police cannot oversee all employees, subordinate command and supervisory employees shall be delegated limited authority to initiate summary action, along with a recommendation at anytime there is sufficient reason to believe that an employee's

continued presence on the job may be detrimental to the integrity of the department or to anyone's safety and welfare. Whenever such employee acts pursuant to limited authority, their actions are subject to review and approval by higher authority. The specifics of the circumstances that necessitated the action shall be set forth in writing by the initiating authority and forwarded through the chain of command without undue delay.

- D. An employee having disciplinary action initiated against him/her may request a departmental hearing in order to state their version of the incident, which are both an administrative and a name clearing hearing. A departmental hearing is a "meeting for the purpose of explaining the departments' evidence against the employee, and allowing the employee or his/her representative to present his/her side of the story regarding the disciplinary action under consideration."<sup>3</sup>
- E. Employees whose disciplinary action has been approved by the Chief of Police and was not an agreed upon sanction before a disciplinary hearing, may appeal in writing to the Civil Service Commission. The appeal must be made within fifteen (15) calendar days. Any settlement reached before a disciplinary hearing shall include a waiver signed by both parties to not appeal the agreed sanction.
- F. The employee must be notified in writing of the action taken within ten (10) calendar days, and this notice must also advise the employee that within ten (10) calendar days, he/she may request a meeting with the Chief of Police, to provide additional evidence not known or available at the time of the hearing. An employee requesting such meeting must do so in writing and must specify in the request what additional evidence may be brought forth.
- G. A copy of any disciplinary action taken shall be placed in the employee's personnel file maintained by the police department. It shall be processed and maintained in accordance with Civil Service Rules.
- H. No reports or records of disciplinary actions shall be removed, destroyed, altered, or otherwise tampered with, except by authority of the Rules of the Civil Service Commission.

#### **4.10.180 Official Reprimand**

In the interest of progressive discipline and corrective action procedures, the Chief of Police may issue an official reprimand. Such reprimand may be oral or written in nature, and will remain as an active part of the employee's departmental personnel file for a period not to exceed one (1)

---

<sup>3</sup> Metro Nashville Civil Service Rules, Section 6.6



year. While written and oral reprimands are not forms of disciplinary action, an employee may state his/her version of the incident in writing and have it attached to, and filed with, the reprimand.

#### **4.10.190 Administrative Leave or Alternate Duty Assignment**

##### **A. General Provisions**

1. When grounds exist for disciplinary action and/or there is sufficient reason to believe the accused employee's continued presence on the job may be detrimental to the department or the safety of anyone, the initiating authority shall relieve the employee of their duties and cause them to be placed on administrative leave with pay, pending further disposition by higher authority. The equipment of an employee relieved of duty shall be turned in to their supervisor.
2. The initiating authority must document the facts and circumstances supporting the decision to place the employee on administrative leave. Such documentation shall be included with any corrective/disciplinary action taken.
3. In situations wherein it is necessary to relieve a sworn employee of his/her duties, the initiating authority shall take appropriate actions consistent with applicable departmental policy and procedure governing Relief From Duty/Decommission.

##### **B. Special Provisions**

When administrative leave for disciplinary purposes has been initiated by someone other than the accused employee's supervisor, the employee initiating the action shall determine the identity of the accused employee's supervisor and notify him/her as soon as possible. The accused employee's supervisor shall respond appropriately and assume their responsibilities. Failure by the notified supervisor to act promptly shall be grounds for disciplinary action.

#### **4.10.200 Suspensions**

- A. When a supervisory employee of the department files a complaint against an employee, the supervisory employee may recommend to its chain of command that the accused employee be suspended, using the Disciplinary / Corrective Action Grid to determine the range and the specific sanction. Resolution of the disciplinary action will not be complete and final until the Chief of Police has approved the MNPD Form 313.

- B. The Chief of Police is authorized, subject to review by the Civil Service Commission, to impose an accumulation of thirty (30) days suspension during a twelve-month period.
- C. Upon mutual agreement by the Chief of Police and a disciplined employee, suspensions of up to five (5) days may be deducted from the employee's accrued vacation leave. This action cannot be delayed for the convenience of the employee. A suspension of six (6) or more days cannot be considered for such action either in part or total. Notifications of the action shall be made by the Office of the Chief of Police in order to facilitate all record keeping requirements affected by the action.

#### **4.10.210 Demotions**

- A. Demotion is defined as a regular or temporary change of classification and/or compensation of an employee as a result of disciplinary action from a position in one class to a position in another class having less responsibility and a lower level of compensation or a reduction in salary to a lower step in the same classification.
- B. When a supervisory employee files a complaint against an employee, the supervisory employee may recommend that the accused employee be demoted as a means of effectively resolving the complaint. The recommendation may be considered by the reviewing authority, which may support or amend the recommendation. Actual demotion of an employee shall be determined by the Chief of Police and is subject to review by the Civil Service Commission.
- C. Any demotion must clearly state that the employee is being removed from one classification and being placed in another classification, and must be supported by the preponderance of evidence in a disciplinary hearing, or in the event of a settlement agreement, agreed to by the employee.

#### **4.10.220 Dismissals**

- A. When a supervisory employee files a complaint against an employee, the supervisory employee may recommend that the accused employee be dismissed as a means of effectively resolving the complaint. The recommendation may be considered by the reviewing authority, which may support or amend the recommendation. Actual dismissal of an employee shall be determined by the Chief of Police or his designee, pursuant to applicable procedures and is subject to review by the Civil Service Commission.

- B. Any dismissal must clearly state that the employee is being separated from the department payroll and must be supported by the preponderance of evidence in a disciplinary hearing.
- C. Employees that are not in a probationary status shall be provided the following information in their letter of dismissal:
  - 1. Reason for dismissal;
  - 2. Effective date of the dismissal; and
  - 3. Status of fringe and retirement benefits after dismissal.

#### **4.10.230 Hearing Procedures**

- A. The case hearing officer shall ensure that each employee appearing before a Disciplinary Advisory Panel, Chief of Police or Commander Hearing receives just and equitable treatment. The hearing officer shall also conduct each hearing as an official proceeding with observance of all applicable provisions. It shall be the responsibility of the hearing officer to ensure that all applicable violations are placed into consideration at the hearing so as to insure that employees are sanctioned on those charges that appropriately and adequately address the misconduct.
- B. An employee receiving written notification of a disciplinary hearing (whether an Advisory Panel, Commander, or Chief of Police Hearing) shall be provided a minimum of ten (10) calendar days to prepare for the hearing, and/or review the investigation file and physical evidence (if requested) supporting the departmental charges against him/her.
  - 1. The employee may waive the ten (10) day minimum rule.
  - 2. The Chief of Police or designee may grant a continuance of the disciplinary hearing for up to an additional ten (10) calendar days.
- C. Generally, a hearing shall proceed as follows:
  - 1. The hearing officer, or the Department Advocate, shall present the circumstances of the complaint and/or charges to all in attendance;
  - 2. The accused employee shall then enter a plea of guilty or not guilty for each charge;

3. The level of proof for all disciplinary hearings shall be the preponderance of evidence;
  4. In a Commander Hearing, a waiver shall be obtained from the accused employee wherein the employee waives the right to a hearing with the Disciplinary Advisory Panel or the Chief of Police and appeal to the Civil Service Commission;
  5. The accused employee may then introduce evidence for consideration as to the guilt or non-guilt, and provide testimony regarding the incident;
  6. The accused employee, complainant, and any witnesses may be questioned by the hearing officer, a member of the Advisory Panel, and any other person authorized by the hearing officer. Questioning may be allowed by the accused employee and/or his/her attorney, or as determined by the hearing officer;
  7. A person with the most information regarding the departmental charges on the employee should also attend the hearing;
  8. Upon completion of the presentation of all relevant information, the hearing officer shall excuse the accused employee, the complainant, and any witnesses and the Advisory Panel shall begin discussions regarding their recommendations;
  9. Authorized parties will then make recommendations regarding the departmental charges on the accused employee and any corrective/ disciplinary action deemed necessary for each charge. When more than one employee is charged in the complaint, the circumstances of each employee's involvement will be considered separately;
  10. The accused employee, representative, and other personnel in attendance shall then be readmitted to the hearing. The hearing officer shall inform the accused of the findings on each charge.
- D. The hearing officer shall ensure that each hearing is properly documented (audio and video) and maintained to best satisfy requirements of Civil Service Rules. A record of the hearing and any disciplinary action imposed shall be maintained in accordance with the Civil Service Rules and provisions set forth by the Personnel Department of the Metropolitan Government.
- E. If new or additional misconduct is discovered or admitted during the hearing which may indicate that additional charges are likely or when

the hearing officer determines that the conduct is inappropriately charged based upon the evidence presented, the hearing officer should stop the proceeding and inform the accused employee and their representative. The hearing may be continued until such new or additional information is fully investigated or charged offenses evaluated in light of the new information. The accused employee may also request a reasonable continuance to prepare for the new or additional charges. When such circumstances occur, the hearing should not proceed unless an appropriate waiver by the accused employee and their representative is obtained.

- F. Employees charged with departmental violations are prohibited from possessing any weapon during a hearing conducted pursuant to this policy. Charged employees who are attending such hearings shall secure all weapons and/or gun belts in a secure manner. The attending immediate supervisor of the charged employee will be responsible for verifying that the employee does not possess any weapon(s), and/or has secured the weapon(s) before entering the hearing.
- G. An employee directed to attend a formal interview or other investigative event may, with proper notice, be prohibited from possessing any weapon and shall secure any weapon(s) before entering the facility where such interview or investigative event may be conducted.

#### **4.10.240 Case Hearing Officer**

- A. In Disciplinary Advisory Panel Hearings the case hearing officer will be appointed by the Chief of Police or designee from available supervisory personnel. The hearing officer will be appointed when the completed and executed MNPd Form 313 is returned to the Office of the Chief of Police.
- B. The accused employee's Division Commander, or designee approved by the Bureau Commander, will serve as case hearing officer for Commander Hearings.

#### **4.10.250 Commander Hearings**

With approval of the Chief of Police, in matters of disciplinary action when a complaint is sustained, the accused employee may request to be heard by his or her Precinct/Division Commander or Director (Commander Hearing). A Commander Hearing will be in lieu of a departmental hearing before the Chief of Police or Disciplinary Advisory Panel.

- A. Commander Hearings may only be held for category F through C violations of policies, procedures, and rules of Metropolitan Government of Nashville and Davidson County.
- B. Commander Hearings will not replace the complaint resolution process through settlement agreement as provided herein.
- C. Findings of Commander Hearings must be approved by the appropriate chain of command and the Chief of Police.
- D. Commander Hearings shall be conducted according to established procedure outlined in Article 4.10.230.
- E. The Chief of Police may direct that a Commander Hearing be conducted for a specific complaint. However, this would not preclude an accused employee from requesting a hearing before the Chief of Police or the Disciplinary Advisory Panel in lieu of the Commander Hearing.
- F. Any employee requesting and receiving a Commander Hearing must waive the right to a hearing with the Disciplinary Advisory Panel or the Chief of Police, and any appeals provided for in the Civil Service Rules and Policies of Metropolitan Government of Nashville and Davidson County.

**4.10.260 Disciplinary Advisory Panel**

- A. Upon request of an employee who may be disciplined, the Chief of Police or designee shall impanel other employees of the department and, if necessary, members of the Legal Department, to act with him/her in conducting a departmental hearing.
- B. The Disciplinary Advisory Panel shall consist of at least six (6) members in addition to the hearing officer, who will be the Chief of Police or designee. Any Department Advocate or representative of the Legal Department requested to attend shall not be included in this configuration. The membership of the Advisory Panel shall be representative of all elements, ranks, and classified positions of the department.
- C. When the accused employee is a sworn member, the membership of the Advisory Panel shall consist of all sworn employees, with each holding a rank equal or superior to that of the accused employee.
- D. When the accused employee is a civilian, the membership of the Advisory Panel shall consist of civilian employees, each having a

classification and Standard Range pay scale equal or superior to that of the accused employee.

- E. The case hearing officer shall announce as part of the proceedings, the name, title and purpose for each person present during the hearing. The hearing officer shall also announce the status of each person present and their role at the hearing.
- F. The Advisory Panel shall thoroughly review each charge in accordance with these and other applicable provisions, and shall present their recommendations to the Hearing Officer. The panel's recommendations shall be presented in two parts:
  - 1. Whether the charge was sustained, and
  - 2. If sustained, the panel's recommended sanction.
- G. The hearing officer shall consider any recommendations made by the advisory panel and make a determination as to whether each charge has been sustained or not sustained and make a determination as to the appropriate sanction.

#### **4.10.270 Chief of Police Hearing**

The Chief of Police Hearing is considered an Appointing Authority Hearing under Civil Service Rules and conducted consistent with established policy and procedure. The hearing officer will be the Chief of Police or designee.

#### **4.10.280 Authority of the Chief of Police**

Because no policy can anticipate all possible circumstances, instances may arise where the Chief of Police may find it necessary and appropriate to impose a sanction not recommended by the Disciplinary/Corrective Action Grid.

##### **A. Last Chance Agreements**

- 1. Under extraordinary circumstances, if the disciplinary infraction is a significant offense, eligible for punishment under categories A or B of the Disciplinary/ Corrective Action Grid, the Deputy Chief/Case Hearing Officer may consider a Last Chance Agreement in lieu of termination. The Deputy Chief/Case Hearing Officer shall only exercise such option when it reasonably appears that the employee is salvageable and said agreement is in the best interest of the

department. Any Last Chance Agreement must be approved by the Chief of Police.

2. The terms of a Last Chance Agreement shall include a suspension of up to thirty (30) working days, and a probationary period to be determined by the Chief of Police. The Last Chance agreement may also include a temporary or permanent demotion. The employee shall further agree that if he/she commits any other sustained disciplinary infraction during the time of the probationary period, the terms of the agreement will automatically be implemented; up to and including termination. The employee shall further waive all appeal rights concerning the determination and the offense identified in the Last Chance Agreement.

**B. Authority to Impose Sanctions Outside Recommendations of the Disciplinary/Corrective Action Grid**

Departure from the recommendations of the grid may include imposing disciplinary action necessary and/or appropriate without regard to the retention period or the category or categories of the prior offense(s) involved. Such departure shall be limited to any situation wherein any employee is charged with a significant offense. The employee's work history shall also be taken into consideration. Written notice for the recommendation of the departure from the Disciplinary/Corrective Action Grid shall be made to the employee and will include clear and articulable facts and circumstances for the departure. The authority to impose a sanction not prescribed within the Disciplinary/Corrective Action Grid shall be within the sole discretion of the Chief of Police. The decision to impose a sanction not recommended by the Disciplinary/Corrective Action Grid shall not be subject to appeal or objection.

**4.10.290 Appeals**

General provisions regarding an appeal of a disciplinary action imposed against any employee of the Metropolitan Government are provided in the Rules of the Civil Service Commission.



#### 4.10.300 Disciplinary/Corrective Action Grid Chart

Offense Category	Retention Period of Offense	1st Offense	2nd Offense	3rd Offense
AA		Dismissal		
Category A	60 Months	20 Day Suspension to Dismissal and /or Demotion	30 Working Day Suspension to Dismissal and/or Demotion	Demotion or Dismissal
Category B	60 Months	8-13 Day Suspension	14-19 Day Suspension and/or Demotion	20 Day Suspension and/or Demotion or Dismissal
Category C	48 Months	2-6 Day Suspension	5-10 Day Suspension	9-15 Day Suspension
Category D	36 Months	1-4 Day Suspension	3-7 Day Suspension	5-10 Day Suspension
Category E	24 Months	Written Reprimand to 2 Day Suspension	1 to 3 Day Suspension	2-5 Day Suspension
Category F	24 Months	Formal Counseling or Oral Reprimand	Written Reprimand to 2 Day Suspension	1-3 Day Suspension

## **4.20 Department and Personal Appearance**

In order to ensure the professionalism of the police department, it shall be the policy of the Metropolitan Police Department to establish and maintain the highest standards of conduct and appearance. All employees of the department will conduct themselves in a way that reflects credit upon themselves and the department, both on and off duty.

### **4.20.010 Definitions:**

A. For the purposes of this directive, the following definitions apply unless the context requires otherwise:

1. **Authoritative Source:** Any employee who is responsible for the control, conduct, or performance of any other employee.
2. **AWOL (Absent Without Leave):** Failing to report to, be absent from work without the prior approval of the appropriate supervisory personnel and/or the requesting employee has no accrued leave (vacation, personal, holiday, or sick time) remaining. Examples of AWOL include, but are not limited to:
  - a. An employee has no remaining accrued leave (i.e. vacation, personal, holiday, or sick time) and still takes time off, regardless if such time is approved by appropriate supervisory personnel.
  - b. An employee fails to report for duty and/or fails to report to their supervisor in the prescribed time limit prior to the beginning of their assigned shift.

**NOTE:** For additional guidelines and instructions concerning employee leave reference current policy on Time Accounting and Compensation.

3. **Department:** the way a person conducts one's self or the behavior of a person.
4. **Family or Household Member:** A spouse, former spouse, person related by blood, marriage or adoption, or person who currently resides or in the past has resided with that person as if a family, or a person who has a child or children in common with that person regardless of whether they have been married or resided together at any time. This also includes persons defined herein but legally estranged by divorce or separation.

5. **Intentionally:** refers to a person who acts intentionally with respect to the nature of the conduct or to a result of the conduct when it is the person's conscious objective or desire to engage in the conduct or cause the result.
  6. **Knowingly:** refers to a person who acts knowingly with respect to the conduct or to circumstances surrounding the conduct when the person is aware of the nature of the conduct or that the circumstances exist. A person acts knowingly with respect to a result of the person's conduct when the person is aware that the conduct is reasonably certain to cause the result.
  7. **Negligently:** the failure to exercise that degree of care that, in the circumstances, law or policy requires for the protection of persons, property or during the exercise of official duties.
- B. Any word, term or phrase not defined herein shall be given its ordinary meaning and interpretation.

**4.20.020 Control Provisions:**

In order to maintain the high standards of the department, it shall be the responsibility of all supervisory personnel to:

- A. Recognize the importance of clearly established policies and procedures governing employee conduct, personal behavior, official obligations, courtesy, and appearance;
- B. Recognize the importance and benefits of proper discipline and professional bearing;
- C. Recognize and give proper credit for good deportment and quality work;
- D. Recognize employee performance that may be considered over and above what is normally expected by completing a Departmental Award Recommendation Report (MNP Form 247) and submitting it to the Chairman of the Awards Committee. For performance that does not meet the guidelines for a department award, letters of commendation may be completed and placed in an employees' personnel file; and
- E. Recognize the importance of uniform corrective actions and support such actions initiated by other supervisors when the action is appropriate. A supervisor will also intervene on any corrective action initiated by another that is found to be inappropriate.

#### **4.20.030 Complaints/Violations:**

##### **A. General Provisions**

A violation of the provisions of this policy shall be processed in accordance with established policy and procedure governing discipline and corrective action.

##### **B. Complaint Process**

Police officers shall promptly advise any inquiring citizen of the Department's complaint procedure, and shall follow the established departmental policy for processing complaints.

##### **C. Offense Category**

A violation of any provisions of this policy shall be processed in accordance with the category assigned herein and the appropriate category referenced in established policy and procedure governing discipline and corrective action.

#### **4.20.040 Personal Behavior:**

##### **A. Adherence to Policy & Rules of the Metropolitan Government**

Employees shall adhere to all policies, procedures, rules, regulations, ethical codes, and administrative or executive orders as established by the department or Metropolitan Government. *(Category: varies by corresponding violation, but generally classified as Category D unless otherwise stated).*

##### **B. Adherence to Law**

1. Employees are prohibited from engaging in conduct, on or off-duty, which constitutes an offense under the laws or ordinances of the United States or any subdivision thereof.
2. A departmental investigation and/or the application of corrective action or discipline is not barred by the absence of formal charges and/or conviction. Evidence of the conduct, proven by a preponderance of the evidence, is the requirement to sustain a departmental sanction under this section.

*(Category varies by severity of the corresponding violation. Generally, Felonies are no less than Category A; Class A Misdemeanor are no less than Category B; Class B & C Misdemeanor are no less than Category C; and Traffic Offenses are no less than Category E.)*

3. An employee shall, without undue delay, report to the Chief of Police, via the chain of command, any arrest, service of process, summons, detention, or related action taken against the employee in regards to a criminal matter. Such report shall include information relating to the alleged offense, date, time, location, and a copy of any relevant documents.
4. An employee shall without undue delay report to the Chief of Police, via the chain of command, any service of process, summons, or related action taken in regards to a civil matter which may effect or impair the employee's ability to carry out their assigned duties (e.g., restraint or protective orders, etc.). Such report shall include information relating to the alleged incident, date, time, location, and a copy of any relevant documents.
5. An employee shall, without undue delay, report to the Chief of Police, via the chain of command, any citation, parking or otherwise, received while operating any Metropolitan Government vehicle or equipment.
6. An employee required to attend any judicial proceeding relating to matters as described in B, 2 and 3 above shall not be attired in or otherwise display any departmental uniform, insignia, or credentials.

**C. Conduct Affecting Required Licensure or Certification**

1. Employees shall maintain current and/or valid status on any required licensure or certification that may be a requirement or element of an essential job function or for the completion of assigned duties (e.g. POST certification, driver license, pilot license, etc.).
2. An employee who is convicted, pleads guilty, or enters a plea of nolo contendere to any felony offense or any violation of any federal, state, or local law or ordinance relating to the use of force, violence, theft, dishonesty, gambling, or alcohol offense involving a motor vehicle, controlled substances, or domestic assault or stalking is in violation of this policy and shall be sanctioned as a category AA offense.
3. Violations of law or ordinance shall be addressed by the MNPD notwithstanding any disposition of criminal or civil court and/or whether criminal or civil charges were initiated. Such charges will be considered an aggravating factor for disciplinary purposes

4. Employees shall immediately notify their chain of command upon the failure, loss, or change of status of any required certification or licensure.

*(Unless otherwise stated, category varies by action and circumstances surrounding conduct that affected licensure or certification)*

#### **D. Conduct Unbecoming an Employee of the Department**

1. The conduct of department employees, on- or off-duty, may reflect directly or indirectly upon the Department, therefore, a police department employee's ability to perform his or her duties is dependent upon the respect and confidence communities have for the representatives of the law enforcement agency in general.
2. A police officer is the most conspicuous representative of government, and to the majority of the people, the officer is a symbol of stability and authority upon whom they can rely. An officer's conduct is closely scrutinized, and when the officer's actions are found to be excessive, unwarranted, or unjustified, they are criticized far more severely than comparable conduct of persons in other walks of life.
3. Employees shall at all times conduct themselves in a manner which does not bring discredit to themselves, the Department, or the City. Conduct that is inconsistent with the provisions within this policy shall be considered a violation. *(Offense Category varies by severity of violation)*

*(Offense Category varies by severity of violation. .)*

#### **E. Impaired Operation of Motor Vehicles**

An employee, on or off-duty, who drives or is in physical control of any automobile or other motor driven vehicle on any of the public roads and highways of the state, or on any streets or alleys, or while on the premises of any shopping center, trailer park or any apartment house complex, or any other premises that is generally frequented by the public at large, or upon the property of the Metropolitan Government or the State of Tennessee or any other state, while under the influence of any intoxicant, marijuana, controlled substance, controlled substance analogue, drug, or any other substance that impairs their ability to safely operate the vehicle is in violation of this policy. *(Category AA)*

**F. Domestic Violence**

1. An employ who, intentionally, knowingly or recklessly causes bodily injury, causes fear of imminent bodily injury; or causes physical contact which a reasonable person would regard the contact as extremely offensive or provocative against a domestic abuse victim (as defined in this manual), is in violation of this policy. (*Category AA*)
2. An employee who, while the subject of a protective order, engages in conduct which, by a preponderance of the evidence, violates the terms of that order is in violation of this policy. (*Category AA*)

**G. Courtesy**

Employees shall be courteous, civil, and respectful to all persons and shall make every effort to meet the needs of citizens requesting assistance. (*Category F*)

**H. Honesty & Truthfulness**

Employees shall be honest and truthful. Truthfulness shall apply when an employee knowingly or intentionally makes a materially false statement. A statement is material when, irrespective of its admissibility under the rules of evidence, it could have affected the course or outcome of an investigation, an official proceeding, or any inquiry regarding employment or job related duties or responsibilities. (*Category AA*)

**I. Responsibility**

Employees shall at all times conduct themselves in a responsible manner.  
(*Category D*)

**J. Profanity**

Employees shall not use abusive, indecent or profane language or gestures in the workplace, in the performance of their duties or in the presence of a member of the public. (*Category F*)

**K. Obstruction of Rights**

Employees shall not knowingly deprive any person of any right to which they are entitled by law or the rules and regulations of the Metropolitan Government. *(Category B)*

**L. Discrimination**

All employees shall perform their duties in a manner that is fair, impartial, and without prejudice toward any person or group. *(Category B)*

**M. Intimidation or Coercion**

Employees shall not attempt to cause or cause another by means of coercion, verbal threats, physical means, or color of office to:

1. testify falsely;
2. withhold any truthful testimony, truthful information, document or thing;
3. fail to cooperate in any internal or criminal investigation;
4. elude legal process or official request summoning the witness to testify or supply evidence;
5. be absent from an official proceeding to which the witness has been legally summoned; or
6. otherwise inhibit or discourage any person from engaging in lawful activities

*(Category varies by severity of the corresponding violation and generally should be no less than Category C)*

**N. Abusive Treatment**

Employees shall not treat any person or animal cruelly by the use of excessive force or failing to act in a humane manner when circumstances justify such action. *(Category B)*

**O. Self-Control**

Employees shall not argue unnecessarily with any person or otherwise show a lack of self-control. *(Generally a Category D but may vary by severity of violation)*



**P. Defamation**

Employees shall not unjustly criticize, ridicule, or otherwise defame any person or any agency of the Metropolitan Government. *(Category F)*

**Q. Derogatory Notices**

Employees shall not post or circulate notices of a derogatory nature. *(Category F)*

**R. Subversive Activities**

1. Employees shall not commit, attempt to commit, or assist others in the commission of any act intended to overthrow the United States Government, any state government, or subdivision thereof. *(Category AA)*
2. Employees shall not be involved with any group whose purpose is prohibited by this section except when authorized in the performance of official duties. *(Category AA)*

**S. Disruptive Job Actions**

Employees shall not participate in strikes, work slow-downs, boycotts, sick-ins, picketing or other similar job actions for the purpose of disrupting the workplace or preventing others from coming to work. *(Category A)*

**T. Solicitation**

Employees shall not solicit anything of value for any service rendered in their official capacity or as a condition for not performing their duties. *(Category A)*

**U. Bribery**

An employee shall not offer or accept anything of value to/from another person intended to influence or persuade a personal or professional gain for the employee or otherwise influence his/her performance of duty. *(Category AA)*

**V. Recommending Services**

Employees shall not recommend any particular service provider or advise a particular service provider that such service is needed except in

emergency situations when such action is necessary to protect life or property. *(Category F)*

**W. Acting in Civil Matters**

Employees shall not take any action in any matter not subject to criminal prosecution except to prevent the violation of a law.  
*(Category A-F)*

**X. Acting Impartially**

1. Employees shall not use their authority as an employee of the Nashville Metropolitan Police Department to take any action in a matter in which they are an interested or involved party. This shall include, but not be limited to, intervening in or making arrests, issuing arrest or traffic citations, etc., in controversies arising between their family members or household members, arrests stemming from their own quarrels, or between themselves and their family members or household members, friends, and/or neighbors. Employees shall be allowed to act to prevent injury to another, imminent or ongoing property damage, or when a felony has been committed. *(Category A-C)*
2. In the event such circumstances arise the involved employee shall notify the appropriate supervisory authority. This provision shall not preclude the lawful detention of any offender until the arrival and/or intervention of the appropriate supervisory authority. The supervisory authority shall ensure an appropriate investigation and/or reports are completed, and under no circumstances shall any supervisor assign those duties or tasks to the involved employee. *(Category A-C)*

**Y. Commercial Endorsements**

Employees shall not endorse or allow their endorsement to be publicly attributed to any commercial venture where they or the venture benefit due to the employee's position with the department unless authorized by the Chief of Police. *(Category F)*

**Z. Association with Criminals**

An employee shall not knowingly associate with persons convicted of felonious criminal offenses or those who have shown a pattern of criminal behavior except in the performance of duty. *(Category C)*

**AA. Undesirable Establishments**

Employees shall not patronize or frequent establishments whose reputation and/or activities would lead a reasonable person to suspect such association would discredit the employee and/or the Metropolitan Nashville Police Department. This provision would not prohibit an employee from entering such establishment in the performance of his/her duty. *(Category E)*

**BB. Seeking Release of Prisoners**

Employees shall not post bond or seek the release of an arrested person except when approved by their supervisor. *(Category E)*

**CC. Intervening in Citations or Arrests**

Employees shall not intervene in, or request intervention in, the processing or adjudication of any citation or arrest in which he/she is not the prosecutor of the citation or arrest or, with appropriate supervisory approval, is acting within the scope of their official duties. *(Category D)*

**DD. Compromise Between Parties**

Employees shall not suggest a compromise in lieu of arrest, citation or other appropriate official action between parties where one person has suffered in some manner because of an alleged criminal offense and when such a compromise is not an appropriate, authorized course of action taken within the scope of the employee's official duty or in the best interest of the department. *(Category F)*

*Commentary:* *Police personnel suggest compromises in civil and public order maintenance situations every day. Those types of compromises are valuable tools in a law enforcement officer's effort to maintain order and keep the peace in our communities and between individuals. However, those situations wherein a citizen has alleged a criminal offense, or has suffered some type of injury or damage due to the actions of another, and some type of legal intervention is required by the officer on the scene, a suggested compromise between parties may be inappropriate and contrary to the mission of the MNPd. In all cases where an employee is unsure of the proper course of action, supervisory guidance should be sought. Below are two examples;*

**Examples:**

1. Two subjects are arguing over the actual location of property lines separating their property. The officer called to the scene of the argument may suggest that each party avoid contact with the other,

and arrange to have the property surveyed to determine the actual property line. **This would be an appropriate suggestion to maintain the peace and reduce hostilities between the parties.**

2. An officer arrives on the scene of a traffic accident where one vehicle has collided with another vehicle causing obvious property damage. The officer suggests that the driver at fault in the accident pay the other driver \$300.00 to avoid a citation or the completion of a traffic crash report. **This type of suggested compromise would be inappropriate.**

#### **EE. Use of Tobacco Products (*Category F*)**

1. The use of tobacco products, including electronic forms, are prohibited:
  - a. In all Metropolitan Nashville Police Department buildings or facilities to include all adjoining premises;
  - b. Within 50 feet of any entrance or exit, entrance or air intake of any Metropolitan Nashville Police building or facility;
  - c. On any grounds or facilities used or operated by the Metropolitan Nashville Police Department;
  - d. In any vehicle owned, leased, or utilized in connection with employment with the MNPd;
  - e. While conducting any business or taking any action on behalf of the Metropolitan Government;
  - f. While in a uniform, or otherwise identifiable as an employee, of the Metropolitan Nashville Police Department and in the public view;
  - g. On the premises of any Metropolitan Government owned or operated facility while on duty; and
  - h. On the premises of any facility or building where the Metropolitan Nashville Police Department maintains an office or workspace;
2. Under no circumstances shall an employee's use of tobacco products disrupt or interfere with the employee's assigned duties. Each request for relief from duty to use tobacco products must be approved by the employee's supervisor.

#### **FF. Political or Other Activities**

1. An employee shall not engage in any political activity when acting as an agent of the department, attired in the uniform of the department or displaying any credential or insignia of the department.

2. When on duty or when acting as an agent of the department, attired in the uniform of the department or displaying any credential or insignia of the department, employees:
  - a. shall maintain a neutral position with regard to the merits of any labor dispute, political protest, or other public demonstration;
  - b. shall not make endorsements of political candidates, political party, organization, association, or society;
  - c. shall not prepare or participate in soliciting, collecting or receiving directly, or indirectly, any money for any political fund from any source; and
  - d. shall not use or threaten to use or attempt to use his or her official power or authority in any manner directly or indirectly in aid of or against any political party, organization, association or society, or control, effect, influence, reward or punish, the political appearance, affiliation, action, expression or opinion of any citizen
3. None of these rules shall prevent employees from engaging in the free expression of political speech in their capacities as private citizens, or the rights of fraternal or employee organizations to endorse political candidates or express views on political issues or other matters of public concern.
4. Additionally, nothing in these rules shall prohibit the Chief of Police from granting permission to wear the uniform or departmental insignia at any function wherein he/she deems it to be appropriate and/or in the best interest of the department.

**GG. Public Sales and Auctions**

Employees of the department shall not buy or bid, or direct the purchase of or bidding on any item being sold at a public sale (auction) held by, or on behalf of, any entity of the Metropolitan Government of Nashville and Davidson County. *(Category B)*

**4.20.050 Official Obligations:**

**A. Enforcement of Laws and Compliance with Rules**

Sworn employees of the department shall be familiar with and enforce all laws, ordinances, and statutes in force within the jurisdiction of the department. They shall also endeavor to prevent their violation and act in accordance with the regulatory provisions that govern the proper performance of duty.

**B. Instructions from Authoritative Source**

1. Employees of the department shall promptly and fully obey all lawful instructions issued by any authoritative source.
2. Employees shall not respond to any unlawful order and shall report it to the appropriate command level of the department.
3. In the event that any lawful order is reasonably believed to be in conflict with department regulations, the matter shall be made known to the issuing authority. The issuing authority will be held strictly accountable if it is determined at a later time to be in conflict with department policy.  
(Category D)

**C. Courage**

Sworn employees of the department shall act with courage and confidence and not fail to perform a duty because of the personal danger involved. Employees shall exercise due care for the safety of themselves and others and for the security of property. (Category D)

**D. Respect for Superior and Fellow Government Employees**

Employees of the department shall show proper respect for other employees and shall address supervisors by their rank or position while acting in an official capacity or in the presence of others.  
(Category F)

**E. Availability and Fitness for Duty**

Employees shall be available for and in a position to properly respond to duty except when unavailability is authorized. On duty employees may not leave the jurisdiction of the Metropolitan Government without supervisory permission. (Category F)

**F. Deficient or Inefficient Performance of Duties**

Employees shall be efficient, productive and competent in the performance of their duties. Deficient or inefficient performance is generally corrected through the daily interaction of an employee and his/her supervisor. Such actions may include guidance, training, and/or formal or informal counseling. However, those occasions that represent a documented pattern of deficient or inefficient performance,

or a significant occurrence, that has not been previously addressed or documented, may be grounds for corrective/disciplinary action.

Examples include, but are not limited to, the following:

1. Demonstrated inefficiency, negligence, or incompetence in the performance of duties;
2. Unsatisfactory quality of work;
3. Insufficient quantity of work;
4. Failure to supervise and/or carry out the duties and/or the responsibilities of a supervisor;
5. Untimely performance of work;
6. Faulty decision making or poor judgment;
7. Inaccuracy of work;
8. Failure to complete work within time frames established in work plan or work standards;
9. Careless, negligent or improper use of department property or equipment;
10. Negligence in the care of persons;
11. Physical or mental incapacity to perform duties;
12. Absence without approved leave;
13. Repeated improper use of leave privileges;
14. Habitual pattern of failure to report for duty at the assigned time and place;
15. Neglect of duty or failure to perform official duty; or
16. Failure to follow a defined employee performance improvement plan.
17. Job abandonment (repeated continuous pattern of AWOL combined with a documented pattern of refusal to respond to supervisor contacts).

*(Category varies by severity of violation)*

#### **G. Place of Duty**

Employees shall report to their prescribed place of duty in accordance with the requirements of their assigned component. *(Category C)*

#### **H. Absent Without Leave (AWOL)**

No employee shall fail to report or be absent from work without the prior approval of the appropriate supervisory personnel. Employees of the department shall notify their supervisor as soon as possible when it is realized that they will not be available for their assigned shift. This provision shall not preclude an employee from utilizing appropriate sick leave; however, proper notification to appropriate supervisory

personnel must be made thirty (30) minutes prior to the start of the employee's shift when utilizing sick leave. *(Category F-D)*

**I. Attendance**

Employees of the department shall start their shift promptly at the designated time and prescribed location. Employees shall not end their shift before the designated time without prior supervisor approval. Employees shall notify their supervisor as soon as possible before their shift starts of any failure to punctually begin their tour of duty. *(Category D)*

**J. Devoting Entire Time to Duty**

During their period of duty, employees shall devote their entire time and effort to their duties. Employees shall not conduct personal business, sleep on duty, or cease to perform their duties before the end of the work period, except with prior approval from their immediate supervisor. *(Category varies by severity of the violation.)*

1. Use of personal electronic devices (e.g. use of cellular phones, music devices, etc.) shall not interfere with the employee's assigned duties and shall not be a distraction or disruption in the workplace. Supervisors shall have broad discretion as to where and when such devices may be used in the workplace. *(Category F)*
2. Employees shall limit the length and frequency of personal phone calls, made or received, so as not to interfere with the employee's assigned duties, the performance of other employees or cause any distraction or disruption in the workplace. *(Category F)*

**K. Use of Alcohol, Drugs or other Intoxicants**

1. Employees shall not, on or off duty, act or identify themselves as an employee of the department/ law enforcement, or be attired in the uniform of the department or display any credential or insignia of the department/ law enforcement, with any apparent evidence of intoxicant use on or about their person, or while consuming any intoxicant, or under the influence of an intoxicant to any measurable degree.
2. Employees, sworn or civilian, shall not possess, consume, acquire or purchase alcoholic beverages while on duty or while wearing the uniform or insignia of the department, except as may be required by policy.



3. Employees shall not use narcotics, hallucinogens, or other controlled substances, except when lawfully prescribed. When medications are prescribed, the employee shall inquire of the prescribing physician whether the medication may impair the employee in the performance of official duties. The employee shall immediately notify their supervisor if a prescribed medication is likely to impair their performance as a department employee.
4. No employee shall use any other type of drug, substance, or medication, which may impair the employee in the performance of official duties. The employee shall immediately notify their supervisor if drug, substance, or medication is likely to impair their performance as a department employee.
5. No employee shall consume intoxicants, of any type, while off-duty to the extent that evidence of such consumption is measurable to any degree when reporting for duty, when acting as an employee of the department, or attired in the uniform of the department or when displaying any credential or insignia of the department.
6. Employees shall not carry and/or have in their immediate possession any firearm while consuming or under the influence, to any measurable degree, any alcoholic beverage or intoxicant.  
*(Illegal or Illegally Obtained Drugs: Category AA & All Other intoxicants: B)*
7. Off duty employees shall not, at any time, present himself or herself to public view while under the influence of any intoxicant to any discernable degree. Off duty intoxication in public view will generally be classified as a Category E violation, subject to any mitigating or aggravating circumstances. However, the category of offense for off duty intoxication in public view resulting in public concern or alarm, resulting in a criminal or civil charge and/or requiring supervisory intervention, will vary by severity of offense.

**L. Equipment to be Carried**

While on duty, employees shall have all equipment necessary to perform assigned tasks. *(Category F)*

**M. Persons Riding in Police Vehicles**

Employees shall not allow any unauthorized person to ride in a police vehicle. Authorized persons shall include:

1. An employee of the Metropolitan Government;

2. A person under arrest;
  3. A person on police-related business, such as prosecutors, witnesses, stranded motorists, etc., with supervisory approval;
  4. A person who has completed a ride waiver and been approved by no less than the section or precinct commander; and
  5. Other persons authorized by the Chief of Police.
- (Category F)

**N. Self-Identification**

Any employee of the department who identifies himself/herself or takes any action as an employee of the MNPd or as law enforcement personnel shall be subject to all policies and procedures governing on-duty MNPd personnel. *(Category E)*

1. Sworn employees not in uniform shall display both their badge and official identification card before acting in an official capacity except when circumstances prevent such identification.
2. Sworn employees, whether in uniform or not in uniform, shall willingly display their official credentials to any person who may ask and allow that person reasonable time to inspect them.
3. Employees, when conducting business for the MNPd or in any official capacity, shall identify themselves as employees of the MNPd when communicating to other individuals via telephone or in any other electronic form of communication wherein the employee is not visible and identifiable visually to the person to whom they are speaking.
4. An employee of the MNPd shall at no time be required to identify themselves as an employee of the MNPd or as a law enforcement officer if such identification shall, or is likely to, jeopardize an official on-going investigation.

**O. Reporting Personal Status**

Employees shall immediately report any change in address, telephone number and marital or dependency status. A residence shall constitute the primary residence in which the employee resides. This shall include the numerical street address and shall in no case be referred to as a post office box only. This shall be done by completing MNPd Form 192, Change of Status/Information Report, within 10 calendar days of the change. *(Category F)*

**P. Mandatory Telephone**

All employees shall maintain a functional telephone at which they can be contacted by the department. *(Category F)*

**Q. Security of Department Operations**

Employees shall conduct operations of the department in a confidential manner. Employees shall not reveal any confidential information, official instruction, or plan or procedure of a sensitive or confidential nature (i.e. emergency contingency plans) to any unauthorized person. Employees shall not be restricted from providing information to the news media except as provided in existing policy and procedure governing media relations. *(Category C)*

**R. Security of Property and Evidence**

Employees shall not reveal or release to any unauthorized person property that may be used as evidence in the prosecution of a criminal charge until it has been formally introduced into evidence or until final disposition of the case except when otherwise directed by an authoritative source. *(Category varies by severity of the violation)*

**S. Failure to Cooperate/Withholding Information**

In accordance with established rights under law, employees shall not withhold any information pertinent to the investigation of any matter, whether internally or externally, investigated by any official entity. Additionally, any employee who withholds information or fails to cooperate with any internal investigation may be disciplined in addition to any other disciplinary action based upon conduct disclosed by the primary investigation *(Category A)*

**T. Failure To Report Misconduct**

Any department employee who observes or becomes aware of any act of misconduct by another employee of the government shall immediately report the incident to their immediate supervisor or the most appropriate Metropolitan Nashville Police Department (MNPD) supervisor *(Violation of this provision may be charged up to and including the category of the underlying offense not reported.)*

**U. Preservation of Official Documents & Files**

Employees shall not allow the destruction, defacing, theft, altering, forging, or tampering with of reports, citations, correspondence, written

notices, computerized files, or any other official documents. *(Category varies by severity of the violation)*

**V. False or Inaccurate Reports**

Employees shall not make, allow, or cause to be made an oral or written report of an official nature which they know or reasonably should have known is false or inaccurate; when, irrespective of its admissibility under the rules of evidence, it could have affected the course or outcome of an investigation. *(Category AA)*

**W. Care of Property**

**1. Government Property**

Employees shall be responsible for the proper care and maintenance of all equipment used by or issued to them and shall exercise all due precautions to prevent theft, loss, or damage. Employees shall be required to maintain their equipment in serviceable condition and report promptly any theft, loss, or damage. In the event that the theft, loss, or damage is due to a willful or negligent act or omission by the employee, appropriate restitution may be required. *(Category varies by severity of offense)*

**2. Other Property**

Employees shall exercise all due precautions to prevent theft, loss, or damage to property recovered by or entrusted to them in the course of official business. In the event that the theft, loss, or damage is due to a willful or negligent act or omission by the employee, appropriate restitution shall be made. *(Category varies by severity of offense, Category E- B)*

**X. Use of Department Property**

Employees shall not use departmental property for any purpose other than official business without supervisory approval. Employees shall use department property only for the purpose for which it was intended and shall not alter said property without command level approval. *(Category E)*

**Y. Surrendering Department Property**

1. Employees shall be required to surrender all departmental property issued or assigned to them before beginning an extended absence from duty other than with pay.

2. An employee who fails to surrender MNPDP property issued to or used by the employee, as instructed by supervisory personnel, may be subject to corrective/disciplinary action and may be required to make restitution for such property. *(Category varies by severity of offense and value of property involved)*

**Z. Weapons**

Employees shall not possess weapons, as defined by applicable laws, while on duty or while on Metropolitan Government property, except as authorized by established departmental policy. *(Category B)*

**AA. Departmental Uniform *(Category D)***

1. The underlying and controlling principle of the Metropolitan Nashville Police Department policies and procedures regulating the wearing of the Departmental uniform is that the uniform shall be worn or displayed in a proper manner and that the uniform shall be worn only when carrying out the business of the MNPDP. That is, when an employee is making an appearance on behalf of the MNPDP and representing the purpose, mission and interests of the MNPDP. It must be understood that the uniform of the Metropolitan Nashville Police Department is the property of the MNPDP and will only be worn or utilized in a manner consistent with these procedures. The uniform is not the property of the individual and shall not be used to carry out or further the purpose or agenda of that employee or any other individual, group or organization.
2. An appearance and/or testimony before any court, official proceeding or other public or non public function or forum, shall be considered on behalf of the Metropolitan Police Department only if the appearance, representation of or testimony is to state, or convey in any manner, the official position of the Department.
3. All employees shall strictly adhere to the below regulatory provisions. Where there can be any uncertainty or lack of clarity as to whether the wearing of the Department uniform is specifically authorized or appropriate, an employee shall request supervisory authorization to wear the Department uniform prior to making the appearance. Any supervisor authorizing the wearing of the Department uniform will be held accountable for adherence to the purpose of these policies.
  - a. In no case shall an employee wear the MNPDP uniform when testifying for, or on behalf of, a defendant in a criminal

proceeding unless specifically authorized by the Chief of Police or a designee of the Chief of Police. The fact that an appearance by an employee was subject to subpoena, summons, or otherwise compelled, shall not constitute any defense or mitigating factor for failure to strictly adhere to these policies. This provision would not prohibit the wearing of the departmental uniform when the officer has been subpoenaed by the defense and is giving testimony concerning his/her official duties/actions as a Metropolitan Police Officer if the appearance, representation or testimony is to state, or convey in any manner, an investigative result or the official position of the Department.

- b. Employees shall only wear complete, departmentally approved, uniforms that comply with current departmental standards of appearance. In addition, uniforms shall be free from any foreign matter, tears, visible signs of excessive wear, or other such imperfections.
- c. Employees who are on light or restricted duty shall not be attired in the uniform of the department or display any insignia or credential unique to a uniformed member of the department unless authorized by appropriate supervisory personnel.
- d. Employees shall only wear the departmental uniform while on-duty, en route to or from duty, departmentally approved events, or when authorized by established policy.
- e. Employees shall not wear uniforms while in an off-duty status except when authorized by established policy.
- f. No employee, while in uniform, shall wear on the uniform or display any item (e.g. pins, patches, etc.) not specifically issued by the department or authorized by written order of the Chief of Police.
- g. When reporting for jury duty, employees of the MNPd are fulfilling their duties as private citizens, not police officers. Therefore, when reporting for jury duty, employees shall dress in appropriate civilian attire. No employee shall wear any departmental uniform, display any departmental insignia or carry any firearm(s).
- h. Non-sworn employees shall not wear the badge or any reasonably similar facsimile thereof (departmentally issued lapel pins are excluded). Non-sworn employees shall not wear the

departmental patch or other insignia of a sworn employee, either as a patch or embroidered on the garment except in immediate proximity to insignia or logo that immediately identifies the person as non-sworn (e.g. chaplain patch). The Chief of Police may authorize a design for non-sworn on-duty attire, which incorporates elements of the departmental patch and is altered to the extent necessary that a reasonable person would note the distinction.

**NOTE:** For additional direction, reference current policies governing clothing and equipment and court appearance.

**BB. Civil Service Rules and Policy**

Employees shall adhere to all applicable Civil Service Rules and Policies as stated in the Civil Services Rules of the Metropolitan Government of Nashville and Davidson County. *(Category varies by severity of offense.)*

**CC. Rewards**

No employee shall accept any reward unless approved by the Chief of Police or his/her designee. This shall not prohibit employees from receiving departmentally authorized awards and recognitions. *(Category F)*

**4.20.060 Courtesy: (Category F)**

**A. Military Courtesy**

Proper military courtesy should be adhered to with respect to National Colors, National Anthem, and display of the flag. When in attendance at any formal or ceremonial event, employees shall be mindful and respectful as well as seek to abide by common courtesy afforded such event.

**B. Prayer**

Whenever a prayer is held, employees should remove any hat, place it over their left breast, and bow their head. If no hat is worn, employees shall simply bow their head.

**C. Respect for Deceased Employees**

1. While attending a funeral for deceased employees of the department, employees should remove any hat upon entering the church or funeral home, unless the employee is serving on Honor Guard duty.

2. Employees wearing the departmental uniform should wear a black band across the center portion of their breast badge.
3. After a funeral service, employees in uniform should line up outside the entrance and hand salute as the casket passes.
4. After a funeral service as the casket passes, employees not in uniform should remove any hat and place it over their left breast. If no hat is worn, their right hand shall be placed over their left breast.

#### **4.20.070 MNPD Employee Political Campaign Activities**

To ensure an arena of fairness for all candidates for political office, and consistent with Section 6.2 of the Metropolitan Government's Civil Service Rules, the following shall be the police department's policy governing requests by candidates for political office to address on-duty police department employees and/or use police resources for campaign advertising/appearances:

- A. It shall be the policy of the MNPD that, in order to assist employees in making important election decisions, candidates for political office may be granted permission to speak at each of the department's component/detail roll calls on one (1) occasion during the six months prior to an election (note: a runoff election shall be deemed a new election). Precinct/component commanders will review any such requests from candidates and will determine the date of appearance. Candidates may be admitted into the roll call area no more than 15 minutes before the roll call is to begin to meet individual employees. Candidates will be permitted no more than five (5) minutes to address assembled employees at the beginning of each roll call. Shift lieutenants/detail supervisors are to monitor the time to ensure that all candidates are treated equally. At the conclusion of the five minute address, the candidate will be escorted out of the roll call area to a public lobby. At no time will photographers working on behalf of campaigns or other campaign workers be permitted to accompany candidates into the roll call areas.
- B. Ride along requests by political candidates are authorized with the date/time at the discretion of precinct commanders. Any such ride along requested by a candidate is expressly permitted for the candidate only and is not to include campaign staff members or campaign-related photographers. All other standing procedures for ride along request are to be followed (e.g., waivers, etc.).



- C. MNPD employees are not to appear (e.g., audio, video or written material) in any staged or prearranged political advertisement or events wearing any MNPD uniform/insignia or using any MNPD vehicle, equipment or MNPD title. Employees are reminded of the policies regarding the authorized wearing of the MNPD uniform and should consult this policy if there are any questions.

**NOTE:** From time to time, there will be chance encounters in public places between political candidates and on-duty MNPD members. While photography in public places cannot and should not be prevented, it is hoped campaigns will use discretion in this regard. But employees are reminded of the prohibition on their personal political activity while on duty, or representing the MNPD in any manner, and/or attired in the MNPD uniform or equipment as found in the Civil Service Rules.

- D. Any campaign-related photography in secure areas of police department facilities is prohibited. Photography in public areas (i.e., public parking lots, lobby areas, and outside buildings) is permitted.

MNPD employees are reminded of Civil Service Rule 6.2, which states:

“Political activities, including running for political office, are not to be conducted at the workplace or during working hours. Time off for such purposes will be in accordance with applicable leave policies in these Civil Service Rules. Civil Service employees should refer to state law concerning any further rights to engage in political activities.”

#### **4.20.080 MNPD Employee Organizations**

A. Communication Guidelines

1. The following guidelines are intended to provide clear direction in regards to employee organizations and access to on duty MNPD personnel. The overarching principle that must be remembered is that while MNPD employees are at work, their first duty and responsibility is to the public and to the efficiency of the department.
2. From time to time an employee organization may be in possession of information that would be of benefit or interest to all employees. Under certain conditions, it may be appropriate for a representative of the employee organization to provide a brief communication of that information to on duty employees assembled at roll calls. It is specifically not appropriate, however, for on-duty employees to be

subjected to employee organization campaigns, employee organization recruitment, or any other action that may serve purely the interest of, or benefit, the employee organization.

3. The department has typically allowed the employee organization designated by the Director of the Metropolitan Government Department of Human Resources as the representative of the employees to address, with specific direction and limitations as to the scope and subject matter, on duty employees. To that end, the procedures below are reserved for, and to be used only by, the employee organization designated by the Director of the Metropolitan Government Department of Human Resources as the exclusive representative of the employees.
  - a. Roll Call Announcements
    - (1) Prior to making any announcement, permission shall be requested from the shift commander.
    - (2) The substance of the announcement shall be stated to the shift commander, and any additional questions the shift commander may have shall be answered.
    - (3) The subject matter of the announcement shall be limited to matters that may be of general concern to all employees. Examples may include, but are not limited to, pay or benefit issues, opportunities for promotion, transfer or job assignment, etc.
    - (4) Shift commanders shall have broad discretion as to whether the subject matter to be announced is of general concern to MNPd employees.
    - (5) Shift commanders shall have broad discretion in making a determination as to whether there is sufficient time available during the roll call for an announcement to be made. Permission to address employees in a roll call setting on matters that may be of general concern to all employees will not be unreasonably denied.
    - (6) Announcements will be made at the beginning of the roll call.
    - (7) Shift commanders shall be responsible for monitoring the content of the information being presented and limiting the time to be utilized. In general, three to five minutes should be considered a sufficient amount of time.

- (8) The subject matter of any roll call announcement shall not include any campaign rhetoric or any attempt to persuade employees to join or support an employee organization.
- (9) The shift commander shall have broad discretion to ensure the efficiency of the department, and will have authority to discontinue any such presentation when the interest of the department or the public is in question.
- (10) A representative of an employee organization, who is not an MNPd employee, requesting to make an announcement at a roll call or to be present when an announcement is made, shall request permission at least one (1) business day in advance.

b. Use of Metro/MNPd Email System

- (1) If an employee has supplied an employee organization his or her MNPd email address as a contact point, the employee organization may communicate with employee via the MNPd email account.
- (2) No employee organization will transmit any information via the Metro/MNPd email system to an employee who has not specifically supplied that employee organization his or her MNPd email address as a contact point.
- (3) Specifically, no employee organization will transmit, via the Metro/MNPd email system, any unsolicited information by utilizing any method to generate "mass mailings", utilizing group addresses, or by otherwise capturing the email address of any MNPd employee.
- (4) In addition to the above, all applicable MNPd policies concerning transmissions of emails, the use of Metro or MNPd communication or computer equipment and all provisions of Executive Order No. 13, "Comprehensive Internet and Electronic Mail Use Policy", shall be adhered to.

c. Use of Community Bulletin Boards

Except as otherwise permitted by official Memorandum of Agreement (MOU), employee organizations, or representatives of employee organizations, shall not utilize any of the MNPd

bulletin boards to publish any information related to, or on behalf of, an employee organization.

**B. Election Campaign Activities**

The following provisions are to provide clear and concise guidance concerning the activities of employee organizations during duty hours or in Metropolitan Nashville Police Department (MNPd) controlled facilities. It is the obligation of the Metropolitan Nashville Police Department to provide all MNPd employees with a work environment wherein their focus and energies can be devoted to our public safety mission. Therefore, it is important that the workplace remain free of any distraction or disruption resulting from the conducting of unauthorized campaign activities or communications. It is clear that neither the employees, nor the public, are best served when on-duty time is consumed by individual employee organization activities.

These provisions shall pertain to any and all election campaign activities, whatsoever, conducted on, for, or on behalf of, any employee organization. This shall include, but is not limited to, any campaign related to any "certification" or "decertification" process wherein one or more organizations are designated by the Metropolitan Department of Human Resources as the "exclusive" representative for a group of employees or to any election conducted by any employee organization to determine its officers, officials or board members.

1. No election campaign activities will be conducted in any MNPd facility. This shall include, but is not limited to, any person distributing campaign materials or attempting to recruit or persuade, verbally or otherwise, employees to vote for, join, or participate in any activity related to an employee organization election.
2. No election campaign materials may be posted or otherwise maintained in or on any MNPd facility. Supervisory personnel shall be responsible for enforcing each of the provisions in this directive and for removing all campaign material that may be posted or otherwise displayed in or on MNPd facilities.
3. No unsolicited election campaign materials or information will be transmitted via the Metropolitan Government/MNPd email system information by utilizing any method to generate "mass mailings", utilizing group addresses or by otherwise capturing the email address of any MNPd employee.
4. No election campaign activities will be conducted by employees while on duty. This shall include, but is not limited to, the soliciting

of support for any individual or organization or the distributing of any campaign materials. This provision shall in no way preclude any one or more employees having informal discussions on an election campaign issue or expressing an opinion on an election campaign issue.

5. Supervisory personnel shall remain cognizant that the facilities of the Metropolitan Nashville Police Department are to be utilized for the purpose of fulfilling its mission of providing public safety for the citizens of this community. While members of the public are, and should be, welcomed to these facilities for the purpose of seeking assistance or obtaining public safety information, persons in or about these facilities for the purpose of conducting election campaign activities shall not be allowed to use their "citizen" status or "member of the public" status to remain in these facilities.
6. The term "facility" refers to any MNPd building or portion of a building utilized by the MNPd to include all MNPd secured perimeters of the structure.

#### **4.20.090 Personal Appearance: (Category F)**

When at work, all employees will present a positive and professional appearance consistent with generally accepted professional business standards and representative of the Metropolitan Nashville Police Department. Dress and appearance shall not be a distraction to others in the workplace, and shall be within acceptable standards of health, safety, and public contact. The Chief of Police, or designee, exclusively reserves the right to determine acceptable standards of appearance for Police Department employees.

Departmental regulations governing authorized clothing and equipment are listed in specific established policies and procedures.

##### **A. Cleanliness / Hygiene**

1. When reporting for duty or acting in an official capacity, employees shall present himself/herself in a professional manner. Employees and their attire shall be free of any dirt, impurities, or extraneous matter so as not to be offensive to others.
2. Employees shall not wear perfume or cologne to an extent that is offensive or distracting, and must be mindful of others who may have health concerns, such as allergies and/or low tolerances, when exposed to perfume or cologne in excessive amounts.

3. Employees shall maintain personal hygiene so as not to affect the health and safety of others or cause any disruption or distraction in the workplace.
4. Supervisors shall have broad discretion as to what is excessive or what is a disruption and/or distraction in the workplace.

**B. Grooming**

1. When reporting for duty or acting in official capacity, employees shall present themselves in a well-groomed manner. Attire shall be properly cleaned, pressed and in good repair.
2. Employees shall keep their foot attire properly cleaned, polished and in good repair. Sworn employees shall maintain their leather equipment in like condition.
3. Sworn employees shall keep their issued metal items such as badge, cap emblem, nameplate, belt buckle, and etc. properly cleaned, polished, and in good repair.

**C. Posture**

Except as necessary in the performance of their official duties, employees shall assume a straight, upright posture whether standing, walking, or sitting.

**D. Physical Condition**

Employees shall strive to maintain the best possible physical condition by giving proper attention to the development and care of their bodies. They shall adhere to proper diet and exercise programs necessary to ensure that their weight is maintained in proportion with their height. As it relates to any disciplinary action that may be indicated by this requirement, only employees having impaired physical conditions, which are verified in writing by a physician, will be exempt from these provisions.

**E. Hair**

Employees' hair may be of a style that reflects current trends and projects an image that is not exaggerated or in contrast with generally accepted professional business standards. It must be neatly trimmed, clean, and present a well-groomed appearance. Employees shall also comply with the following additional requirements:

1. Hair styles shall not interfere with the proper wearing of department headgear.
2. Uniformed male employees' hair must be worn in such a manner so that it does not touch the eyebrows, ears, or collar of any garment being worn. Sideburns must be straight and not extend below the bottom lobe of the ears. Flared styles such as "lamb chop" or "mutton chop" are not permissible.
3. Uniformed female employees shall wear their hair in a style that prevents any hair from extending below the bottom edge of the collar of any garment being worn.
4. Ornamental hair accessories are prohibited for sworn employees but may be worn by non-sworn employees.
5. Hair coloring must appear natural. Bizarre or extreme hairstyles are prohibited.
6. Employees may wear false or cosmetic hairpieces as long as they do not conflict with the aforementioned provisions.
7. Employees shall not wear a prescribed departmental uniform while wearing a non-regulation hair style.

**F. Facial Hair**

1. Beards for non-sworn employees are authorized with a maximum hair length of 1/2 inch.
2. A neatly trimmed mustache is authorized. It shall not extend over the upper lip or below or beyond the corners of the mouth. Handlebar and such other flared styles are not permissible. False types are prohibited.
3. Any other facial hair is expressly prohibited for sworn employees.

**G. Fingernails**

1. When reporting for duty or acting in an official capacity, employees shall keep fingernails clean and neatly trimmed so as not to interfere with performance of duty, distract from the professional image, or present a safety hazard. Males will keep nails trimmed so as not to extend beyond the fingertip. Females will not exceed a nail length of 1/4 inch, as measured from the tip of the finger.

2. Sworn uniformed employees shall wear only clear nail polish. Artificial nails or artificial nail products, e.g., tips, jewelry, overlays, wraps, etc., may not be worn by sworn employees.

#### **H. Jewelry**

Employees shall be permitted to wear watches, rings, bracelets, earrings, and necklaces with the following restrictions:

1. Only one ring per hand shall be authorized. A wedding ring/engagement ring combination shall count as one ring.
2. Necklaces or bracelets are prohibited for uniformed employees except for Medic-Alert necklaces and bracelets.
3. Facial jewelry is prohibited for all employees with the exception of authorized earrings.
4. Earrings/Body-Piercings
  - a. Earrings are expressly prohibited for sworn employees while in uniform, with the following exceptions:
    - i. Sworn female employees may wear single stud earrings, gold, silver in color, or a single stone having a diameter of not more than ¼ inch, and
    - ii. They must be worn in matching sets in the right and left earlobe, with a maximum of one per ear.
  - b. Earrings are authorized for non-uniformed female employees as long as they are no more than 1 1/2 inches in length, circumference, or size and do not pose a safety hazard. They must be worn in matching sets in the right and left earlobe with a maximum of one per ear.
  - c. Exposed body-piercings or body-piercings that may be visible, other than authorized earrings, are expressly prohibited for all employees.

#### **I. Body Art and Physical Alterations**

In such that a professional appearance is vital in the public's perception of the MNPd's values and community commitment to service, all employees shall adhere to generally accepted business



standards of law enforcement agencies for appearance; particularly with respect to tattoos, body art and intentional physical alterations\*.

*Intentional physical alterations includes, but is not limited to, any outwardly visible branding, scarring, resection, tooth filing, microdermal or transdermal implantation, eye tattoos, or unnatural tooth coloring. It does not include medically necessary procedures or generally accepted surgical procedures or augmentation.*

1. Sworn and civilian uniformed MNPd employees are prohibited from displaying any tattoos, body art, or markings of an offensive, provocative nature or that are obscene and/or advocate sexual, racial, ethnic, religious discrimination or that undermine MNPd values or are contrary to generally accepted business standards of law enforcement agencies.

*Examples of offensive tattoos, body art, or markings include but are not limited to:*

- a. *Depictions of intolerance or discrimination against any race, religion, gender, or national origin,*
  - b. *Sexually explicit or vulgar art, words, phrases, or profane language,*
  - c. *Symbols likely to incite a strong reaction in the work environment (for example, swastikas or similar symbols), or*
  - d. *Initials, acronyms, or numbers that represent criminal or historically oppressive organizations (for example, any street gang names, numbers, and/or symbols).*
2. Employees who have direct contact with the public are prohibited from acquiring any new tattoos, body art, markings that would be visible above the collar bone, -except cosmetic tattoos (tattoo makeup on the eyes, lips, or eyebrows with a natural appearance).
3. Any tattoos, body art, markings that would be visible while in the authorized MNPd Class "A" uniform must comply with generally accepted business standards of law enforcement agencies.
4. For civilian employees, any tattoos, body art, markings that would be visible, while attired in business attire must comply with generally accepted business standards of law enforcement agencies. Likewise, civilian employees are prohibited from displaying excessive tattoos or body art that would detract from an appropriate professional appearance for law enforcement agencies.
5. Visible intentional physical alterations of the body that are not consistent with generally acceptable business standards for law enforcement agencies of appearance are prohibited.

6. The chief of police or designee is the final authority as to the appropriateness of any tattoo, body art or marking.
7. These provisions would not preclude employees from undergoing required medical procedures to ensure the health of the employee.

**J. Exceptions**

A Division Commander may exempt personnel assigned to special enforcement activities, which require an inconspicuous appearance, from the provisions of Article 4.20.070, A, B, E, F and H above.

## 4.30 Secondary Employment

### 4.30.010 Generally

- A. The duties, responsibilities and obligations associated with an employee's employment with the Nashville Metropolitan Police Department (MNPd) are, without dispute or contention, the primary employment of the employee. Therefore, secondary employment by MNPd employees is not an inherent right, but a privilege that can be granted at the discretion of the department. MNPd employees may be given permission to engage in secondary employment provided that such secondary employment does not interfere with the performance of their duties and obligations as police department employees, nor reflect poorly on the professional standards of the department.
- B. Any employee engaging in secondary employment shall at all times be in compliance with the provisions of this policy, all other policies and procedures of the department, and any other applicable rule, executive order, regulation, or law. Failure to adhere to these standards shall be cause for corrective/disciplinary action.

### 4.30.020 Definitions: The following definitions apply in the context of this order and the governing procedures.

- A. **Assignment List:** Any list(s) established and maintained by the Secondary Employment Unit that contains the names, phone numbers, and available times of employees who volunteer for assignment for extra-duty employment through the Secondary Employment Unit.
- B. **Brokering:** Acting in any manner to arrange secondary employment for any Metropolitan Government employee who works in the same department, agency, board or commission of the Metropolitan Government regardless of whether compensation and/or other benefits are received for such service.
- C. **Contract Security Company:** Any person/organization engaging in the business of providing, or undertaking to provide, a security guard and/or patrol service on a contractual basis for another person.
- D. **Controlling Interest:** The individual, or entity, with the ownership or control of the largest number of outstanding shares owned by any single individual or corporation.
- E. **Direct Interest:** A business in which the employee is the sole proprietor, a partner, or a person having the controlling interest.

- F. **Extra-Duty:** A duty status that includes any secondary employment that is based on the actual or potential use of law enforcement powers.
- G. **Indirect Interest:** Any business in which the employee of the Metropolitan Government has a financial interest other than a direct interest, including a business where the spouse of the employee has a direct interest and the employee and spouse co-mingle assets.
- H. **Off-Duty:** Any secondary employment that is not based on the actual or potential use of law enforcement powers.
- I. **On-Duty:** Any regular, temporary, or special assignment by the Metropolitan Nashville Police Department. The term on-duty shall also include any extra time status where the extra time duty is performed in relation to the employee's department assigned duties or the Secondary Employment Unit.
- J. **Person:** Any individual, firm, association, company, partnership, corporation, nonprofit organization, institution or similar activity.
- K. **Police Department Vehicle:** Any MNPDP owned mode of transportation whether marked or unmarked.
- L. **Proprietary Security Organization:** Any person/organization or department thereof which employs a security guard/officer solely for such person in an employer-employee relationship.
- M. **Revocation:** The process of voiding the original secondary employment request approved on MNPDP Form 150, Secondary Employment Request.
- N. **Secondary Employment:** Any employment by a department employee other than, and in addition to, the employee's primary employment by the department, whether the additional employment is through another person, company, or the MNPDP Secondary Employment Unit (SEU). The term "**employment**" shall include any of the following:
  - 1. The act of being employed or providing services or being compensated in any manner, directly or indirectly by any other person, business or other entity of any nature whether for profit, nonprofit or charitable purposes; or
  - 2. The act of employing any other person(s), business or entity of any nature whether for profit, nonprofit or charitable purposes for the purpose of receiving compensation of any nature, directly or indirectly; or

3. The ownership, management, or directing of a business or other entity whether for profit, nonprofit, or charitable purposes; or
  4. The obtaining or holding a license for the purpose of operating a business enterprise, event or other similar venture.
  5. Voluntary work that is based on the actual or potential use of law enforcement powers whether or not compensation and/or other benefits are received for such service.
- O. **Suspension:** For the purpose of this policy; the process of deferring permission to engage in previously granted secondary employment for a specific period of time.
- P. **Uniform:** There are 4 classes of authorized uniforms:
1. **Class A Uniform:** The class A uniform shall be the standard police uniform, long sleeves, tie and hat.
  2. **Class B Uniform:** The class B uniform shall be the standard police uniform with the short sleeved uniform shirt.
  3. **Utility Uniform:** Shall be an authorized utility uniform where special material(s) or other specifications are required due to the employee's assignment and/or duties. Utility uniforms are routinely worn by units such as Canine, Bike Patrol, Motors, Mounted, etc.
  4. **Executive Staff Uniform:** Uniform authorized for Officers assigned to the Chief of Police Executive Staff, Commanders and Captains.

#### **4.30.030 Secondary Employment Restrictions**

- A. Department employees shall only work extra-duty employment through:
1. The Secondary Employment Unit;
  2. A contract security company licensed through the Tennessee Department of Commerce and Insurance;
  3. A proprietary security organization licensed through the Tennessee Department of Commerce and Insurance; or
  4. Any government agency exempted by the Private Protective Services Act (TCA 62-35-101).
- B. Consistent with established policy on Department and Personal Appearance, while engaged in any type of extra-duty employment for any employer, the deportment and conduct of such employees shall be as if they were on-duty and will be held accountable for adhering to all state laws, local ordinances and all rules, policies, and procedures of the Metropolitan Government.

- C. Personnel shall be prohibited from brokering secondary employment except in the performance of a departmentally approved assignment.
- D. Employees are prohibited from having a direct interest or an indirect interest in a business that engages in brokering secondary employment for any department employee.
- E. Employees shall not contract directly with any department or agency of the Metropolitan Government to act as a contract security company for that department or agency, nor shall an officer act as an independent contractor for a contract security company to provide security services to any department or agency of the Metropolitan Government.

A police department employee may serve as an employee of a contract security company that has a contract to provide security services to any department or agency of the Metropolitan Government.

- F. When engaged in any extra-duty employment, sworn employees will respond to any circumstance occurring in their presence or immediate area that poses a threat of bodily harm, or damage to or loss of property, even if the incident may not be regarded as a matter of concern by the outside employer.
- G. **Secondary employment is limited to twenty hours per week.**  
Overtime resulting from court time and working past the end of shift will not count towards the twenty (20) hour limit. It shall be the employee's responsibility to not exceed the twenty (20) hour limit.

Exceptions:

- 1. Overtime resulting from court time,
  - 2. Working past the end of shift,
  - 3. Special events assignments scheduled through the Custom Services Division,
  - 4. DUI Grant, and
  - 5. CRI or VRI assignments
- H. Secondary employment coinciding with regular days off, excused days, vacation days, and compensatory time will not be included in the twenty (20) hour limit.
- I. Employees shall not engage in any secondary employment that results in mental or physical fatigue to the extent that the efficient performance of regular assigned duties **or** the duties of the secondary employment are impaired, regardless of the number of hours worked.

- J. Supervisors shall carefully monitor any employee working extended hours to ensure he/she is able to safely and effectively perform his/her required duties.
- K. At no time shall an employee who is on-duty engage in any secondary employment. Employees working in an on-duty status through an assignment by the Secondary Employment Unit shall not engage in any other secondary employment wherein the assigned work hours for each assignment overlap to any degree. *(Violation of this provision shall up to and including a Category AA Offense)*

**NOTE:** This provision would preclude an employee from receiving the two (2) hour minimum pay for court appearances where the employee was scheduled for an SEU assignment paid through the department, as both assignments are considered on-duty and represent continuous work time.

- L. Employees shall not be permitted to engage in secondary employment that would create a conflict of interest with the duties, obligations, or professional objectives of the department, or that would bring criticism to the department. Examples of employment presenting a conflict of interest include, but are not limited to:
  - 1. Process server, re-possessor, bill collector, or any other employment in which police authority might tend to be used to collect money or property for private purposes;
  - 2. Personnel investigations for the private sector;
  - 3. Any private employment which might require an employee to have access to police information, files, records, or services as a condition of employment unless this information is obtained and any applicable fees are paid in the same manner as such fees are paid by the public;
  - 4. Employment involving the wearing of a police uniform in the performance of tasks not of a law enforcement nature, except for provisions governing appearances in media productions as outlined in this order;
  - 5. Employment which involves the assistance with case preparation in any criminal defense case or any civil action or proceeding, unless **specifically** authorized by the Chief of Police or designee;
  - 6. Employment by a labor group or business that is involved in a work stoppage or strike;
  - 7. Employment at any establishment where the employee is, or should be, aware that the establishment is engaged in, or permits, criminal activity, or has a history of criminal activity at the location;

8. Such employment reflects poorly on the department or the professional image of the department; or
9. Employment in establishments, which provide adult entertainment of the same or similar nature as that defined by the Metropolitan Code.

*(Violation of any of the provisions outlined in L, 1-9 above shall be up to and including a Category AA Offense.)*

- M. In any situation where an employee is uncertain if the requested secondary employment would violate any provision stated in L, 1-9 above, the employee shall consult with their immediate supervisory personnel for guidance. Additional guidance may also be sought by contacting the Secondary Employment Office.
- N. Performing extra-duty related employment with unauthorized persons is prohibited. Any request to patrol or perform law enforcement related duties with non-sworn personnel must be indicated on the Request for Secondary Employment Form 150 and must be approved in advance by the employee's chain of command.
- O. An employee who utilizes sick/FMLA leave due to illness or injury shall not engage in any secondary employment on the day(s) sick leave is taken for illness or injury

**NOTE:** It may be considered an abuse of sick leave for an employee to call in sick due to illness or injury in the eight-hour period before and/or after any secondary employment. *(Violation of this provision shall be a Category B Offense)*

This provision would not preclude an employee from working secondary employment assignments on days where sick time was utilized for routine check-ups or follow up exams, where the employee was not otherwise physically unable to perform their regular assigned duties, or where FMLSK or FMLA was utilized for a family member of the officer working secondary employment.

- P. Departmental employees restricted from secondary employment:

1. Restricted Duty Employees:

Decommissioned, Suspended, and Light/Restricted Duty employees shall not engage in extra-duty employment. This restriction includes regular days off. However, at the discretion of the Chief of Police or designee, employees may engage in off-duty (not extra duty) employment provided they submit a doctor's



statement that indicates the employment will not delay or jeopardize any recovery.

2. Assignment Based Restrictions:

- a. Sworn employees assigned to the Secondary Employment Unit shall not be permitted to engage in extra-duty employment scheduled or administered through their office; unless approved by the Chief of Police or his/her designee.
  - b. Employees assigned to the Custom Services Division shall not engage in secondary employment through a contract security company and/or a company that holds a proprietary security organization license, where the Custom Services Division provides approval for a security plan and/or traffic plan as required with a special event permit and/or parade permit.
  - c. Provisional or new-hire probationary employees are prohibited from engaging in extra-duty employment.
  - d. Sworn employees who supervise, or are assigned the duties of grant administrators, or schedule personnel for grant-related employment, shall not be permitted to engage in extra-duty employment related to the grant.
  - e. In accordance with Metropolitan Government of Nashville and Davidson County Executive Order No, 014 (Hon. Karl F. Dean, March 17, 2008) the Chief of Police and all Deputy Chiefs of Police shall not engage in any secondary employment. This prohibition shall not prohibit the Chief of Police and/or Deputy Chiefs from engaging in educational instruction, to the extent that the educational instruction does not interfere with their responsibilities to the Metropolitan Department of Police. This prohibition also shall not prohibit the Chief of Police and/or Deputy Chiefs from owning investment property, to the extent that the investment property does not interfere with their responsibilities to the Metropolitan Department of Police.
- Q. Sworn employees shall **not** take vacation leave, personal leave time, compensatory time off, etc. to work an extra-duty assignment where the employer is another department or agency of the Metropolitan Government. This restriction applies to taking time off during the same block of time as the employee's normal shift.
- 1. It does not prohibit working before or after the employee's normal shift hours.

2. This does not prohibit the use of a shift exception, done with supervisory approval.
  3. Sworn employees are allowed to take vacation leave, personal leave, or compensatory leave to work secondary employment when the employer is **not** a department or agency of the Metropolitan Government provided the time off is approved by the appropriate supervisor as outlined in Article IV, Section H of this directive.
- R. Employees shall not perform any extra-duty employment outside Davidson County unless specifically authorized in writing by the Chief of Police or designee. Written permission by the Chief of Police or designee shall be submitted with the requesting employee's Request for Secondary Employment Form 150.
- S. Employees shall not falsify or intentionally provide any inaccurate, incomplete, or misleading information concerning the name of the business, geographical location of the work site, or the nature of the business on a MNPD Form 150, Secondary Employment Request.  
*(Violation of this provision shall be a Category AA Offense)*

**Example:** Filing a secondary employment request to work security at a parking lot for the purpose of securing vehicles at that location, and the officer is required by the secondary employer to respond to situations at an adjacent property or building. However, the adjacent property or building is a location where a secondary employment request would not be authorized.

- T. Employees shall not be permitted to engage in secondary employment where the sale of alcoholic beverages for consumption on the premises exceeds 20 percent of the total sales of the business during the time period for which the employment is requested.

**Example:** An employee may work a secondary employment assignment at a restaurant that serves alcohol and meets the 20 percent exclusion rule above. However, if the restaurant stops serving food after a certain hour, but continues to sell alcoholic beverages, or allow consumption of alcohol on the premises, the requested secondary employment would not be authorized for that time period.

1. An employee is not permitted to engage in employment at any location on the property or controlled by the establishment where the 20 percent exclusion applies.
2. Establishments where the requested secondary employment will be performed where alcoholic beverages are consumed on the premises shall submit a copy of the annual tax records or a signed

statement from the actual business engaged in the sale of the alcoholic beverages (geographical location of the work site) before any approval of such request shall be granted.

- a. This documentation must state that the sale of alcoholic beverages for consumption on the premises does not exceed 20 percent of the employer's total sales during the time for which employment is requested; and
- b. Must be on company letterhead of the business actually engaging in the sale of the alcohol. It may not be on letterhead from a contract security company; and
- c. Photocopies of the alcohol letter will not be accepted.
- d. Exceptions to Alcohol Service Restrictions and Letter RequirementsThe Chief of Police, in the interest of public safety, may authorize exceptions to the alcohol related employment restriction or alcohol letter requirements by permitting the Secondary Employment Unit to ;

- (1) Waive the requirement for original alcohol letters and allow photocopied letters when the management of the Secondary Employment Unit approve and file the original letter on the K Drive (or similar computer storage maintained by the MNPD), or
- (2) Such events as recommended by the Custom Services Division commander and approved by the Chief of Police.
- (3) The Secondary Employment Unit will ensure appropriate dissemination and record management of any waivers issued under this part.

U. Employees requesting to engage in secondary employment for an appearance in a motion picture, music video, television commercial, etc., shall submit the request through their chain of command to the Chief of Police.

1. If the employee is to be featured or depicted in the production, the employee shall attach a script or synopsis that details in what manner the employee will be depicted in the production to the Request for Secondary Employment Form 150; and
2. The Chief of Police or designee shall have final authority over such requests including review of the final edited version of the production to determine if the images can be used; and
3. The signing of a release authorizing the Chief of Police's final authority will be a requirement of the secondary employer and is a condition of employment for the employee.

- V. Employees shall not be permitted to split their shift to work a secondary employment assignment.

**4.30.040 Exempt Employees and Employees Receiving out of Class Pay**

- A. Employees classified as working in an exempt status shall not be eligible to receive overtime (time and one-half pay) compensation when working for another department or agency of the Metropolitan Government.
- B. An employee receiving out of class pay who works for another department or agency of the Metropolitan Government will not be paid at the higher class. Non-exempt employees receiving out-of-class pay that places them in an exempt status shall not be eligible to receive overtime compensation when working for another department or agency of the Metropolitan Government.

**4.30.050 Supervisory Responsibilities of Secondary Employment**

- A. Sworn supervisors are responsible for their actions or in-actions concerning supervisory accountability toward any subordinate where **either** is working an extra-duty or on-duty assignment. Sworn supervisors working in a non-supervisory, extra-duty capacity will be held responsible for their actions or in-actions toward any subordinate.
- B. Supervisors working SEU assignments will be responsible to ensure completion of all department forms and reports as necessary (i.e.: traffic accident related documents, pursuit critiques, disciplinary documents, etc.). The affected employee's regular duty supervisor shall be notified and made aware of actions taken on the employees next regular duty shift. Copies of all related documents shall be forwarded to the SEU and the affected employee's direct supervisor in a timely manner.
- C. If any supervisory action is required during the course of any secondary employment and no on-scene supervisor is present, then the responsibility shall rest with an on-duty supervisor of the precinct in which the action occurred.
  - 1. If the extra-duty employment was staffed through the SEU then the SEU supervisor shall be notified of the incident by the on-duty supervisor.
  - 2. Copies of all paperwork shall be forwarded to the SEU as well as the employee's immediate supervisor on the employees next regular duty shift.

3. An initial investigation shall be conducted by an SEU supervisor. Any adjustments to the finding of fact and any corrective and/or disciplinary action will be handled by the involved officer's chain of command.
4. If the employee is working any secondary employment, including volunteer work, not staffed through the SEU, then any corrective or disciplinary action required shall be the responsibility of the employee's regular supervisor.

#### **4.30.060 Secondary Employment Conditions**

- A. Department employees shall assist the public and maintain a professional demeanor at all times while engaged in secondary employment.
- B. Employees engaged in **off-duty** (non-police related employment) shall request on-duty units to perform duties arising from the exercise of police power, such as the transportation of evidence and arrestees, the preparation of police reports, and the transportation of found property to the proper department storage facility.
- C. When working for a secondary employer, employees performing duties as an ordinary citizen, such as swearing out warrants or court appearances as a witness, shall not seek or receive compensation from the Metropolitan Nashville Police Department for the performance of such duties.
- D. Sworn employees engaged in secondary employment while in an **extra-duty** (police related) employment status will perform all normal duties arising from the exercise of their police power including, but not limited to, the preparation of all reports associated with such employment.
- E. Sworn employees who are authorized to use a police vehicle in conjunction with that employment will be responsible for transporting prisoners, the immediate transportation of evidence, found property, etc., to the proper facility consistent with established policy and procedure.
- F. Whenever utilizing a police vehicle equipped with ARL for an extra-duty assignment, department personnel shall log on to the MDC at the beginning of such assignment.
  1. Personnel utilizing marked, ARL equipped units for extra-duty assignments, including those assigned through SEU, shall be subject to dispatch on any emergency call in which they are the

- closest available unit to respond. (Reference current departmental policy on radio communications). Only secondary employment jobs hired and paid through SEU are authorized to use police vehicles.
2. An exception to this would be if that by doing so the officer would create an undue danger to the public or other officers (e.g. blocking lanes of traffic on the interstate). In this instance, the dispatched unit shall notify the on-duty supervisor as to the reason why he/she cannot respond to the dispatched call.
- G. Sworn employees shall be required to monitor the radio frequency of the precinct in which the employment is located and are responsible for answering dispatched calls for service at the location of the employment.
- H. Employees engaging in extra-duty employment of any type for any employer shall be required to advise the Emergency Communications Center (ECC) of the following information via radio:

1. Location of the employment
2. Name of the business at this location (if applicable)
3. The employee's off-duty radio call number with the added identifier "9"

Example: If car 1203 is working an extra-duty assignment he/she would utilize the call sign "**1203-9**" while working the assignment.

4. The radio talk group in which the employee will be monitoring during the course of the employment.
5. Estimated start/end time of the employment
6. Upon completion of the SEU assignment, the employee shall notify the ECC that he/she is off-duty.

**NOTE:** This provision would not apply when an employee is working an assignment such as grant or departmentally related enhanced enforcement projects, assignments scheduled through the Special Events Unit, or other large scale events for which a Command has been established where such radio call signs and rosters are assigned and maintained by appropriate supervisory personnel.

Examples include, but are not limited to:

- a. Governor's Highway Safety Grant
  - b. Mass Traffic Assignments
  - c. CMA Country Music Festival; and/or
  - d. Parades, runs, or other events assigned by the Special Events Unit.
- I. Sworn employees shall comply with all uniform and appearance regulations as outlined in current departmental policy governing deportment and personal appearance.
- 1. Sworn employees shall wear their Class A or B uniform while performing extra-duty employment.
  - 2. The wearing of anything other than Class A or B uniform is prohibited unless they are required in the performance of the employment (example: bike uniform permitted only when assignment requires riding a departmental bicycle). Supervisors shall ensure that an appropriate need exists before authorizing the wearing of any uniform other than the Class A or B.
  - 3. Employees seeking authorization to work an extra-duty job that requires "plain clothes," or non-uniformed attire, must specifically articulate the reasons for such request, subject to the final approval of the Deputy Chief, Director, or Chief of Police, and such approval shall be specifically noted on the MNPDP Form 150.
- J. Employees shall immediately notify an appropriate on-duty supervisor of significant events, major crimes, serious injuries, traffic crashes, and use of force incidents that may occur during or as a result of any extra-duty employment. The on-duty supervisor shall be responsible for notifying the SEU supervisor if the above pertains to an SEU assignment no later than the close of SEU office hours on the next business day.
- K. Any employee desiring to engage in employment, the providing of service, or the operation, management or participation in any enterprise not particularly described in this order shall either submit a MNPDP Form 150, Secondary Employment Request, or request in writing, through their appropriate chain of command. If there is any question as to whether the employment falls within this order, this determination shall be made by the Chief of Police or his designee.

#### **4.30.070 Complaints/Unsatisfactory Performance**

- A. If any extra-duty employer reports that the performance of a department employee working an SEU assignment is unsatisfactory, the SEU supervisor shall review this information and conduct a

thorough preliminary investigation to determine if the employee has committed a violation of policy/procedure.

1. If warranted, corrective/disciplinary action may result or the information may be turned over to the Office of Professional Accountability (OPA) or the employees Division or Precinct Commander for additional investigation.
  2. All information related to such an incident will be maintained in the employee's secondary employment file in addition to any other personnel file.
  3. All conversations and actions by the SEU supervisor and extra-duty employer shall be documented in writing by the supervisor.
  4. Copies of all related documents shall be forwarded to the SEU and the affected employee's direct supervisor in a timely manner.
- B. The SEU supervisor shall conduct an appropriate preliminary investigation to determine if any allegations of poor performance or misconduct are founded.
- C. If the extra-duty employer reports unsatisfactory performance to an on-duty supervisor not directly involved with the SEU assignment:
1. The on-duty supervisor shall review this information and conduct a thorough preliminary investigation to determine if the employee has committed a violation of policy/procedure. All conversations and actions by the on-duty supervisor and extra-duty employer shall be documented by the supervisor in writing and forwarded to the Secondary Employment Unit as soon as possible. Supervisors shall follow all current policies governing the recording of complaints against departmental employees.
  2. If the complaint or allegation made by the secondary employer is founded, standard department corrective/disciplinary procedures shall be followed.
  3. Any other provision of this order notwithstanding, any supervisor that observes or becomes aware of an employee violating departmental policy shall be required to take appropriate action to ensure the violation is corrected immediately. This may include immediate intervention requiring officers working SEU assignments to be removed and/or relieved from their SEU assignment.



- D. If it is necessary for an on-duty supervisor to relieve an officer(s) working a SEU assignment, the supervisor shall contact a SEU supervisor. If a SEU supervisor is not on-duty, current call out guidelines should be followed.

#### **4.30.080 Control Provisions**

- A. An employee wishing to engage in any secondary employment must first request and obtain permission in writing on MNPDP Form 150, Secondary Employment Request, through his/her chain of command. Required documents to accompany the MPD 150 Form are:
  - 1. A duty letter from the employer on the company letterhead, in the format of the SEU template with specific language.
  - 2. For extra duty (police related) employment, a copy of the Certificate of insurance listing the coverage of general liability and workers compensation coverages.
- B. Civilian and Sworn employees are not required to submit MNPDP Form 150, Secondary Employment Request, when volunteering their time without compensation of any kind to any charitable or non-profit organizations;
  - 1. **Provided those services are not police or law enforcement related functions,** and
  - 2. Such services provided to the charitable or non-profit organization do not create a conflict of interest with the duties, obligations, or professional objectives of the department, or would bring criticism to the department or any of its employees.
  - 3. ALL other employment requests shall require the submission of a MNPDP Form 150 and written approval through the employee's appropriate chain of command.
  - 4. Examples would include, but are not limited to: volunteering to teach Sunday School, Boy/Girl Scout Leader, or community service work such as food drives, litter removal, Habitat for Humanity etc.
- C. In those instances where a prior written request is not possible;
  - 1. The employee shall request and obtain verbal permission for secondary employment from his/her immediate supervisor

**(EXCEPTION:** verbal permission **MAY NOT** be granted for employment where alcohol is sold or served, or at a location that provides other services such as parking, etc., to such premises).

2. MNPDP Form 150, Secondary Employment Request, must be approved through the chain of command at the rank of Commander and/or Captain (not acting) through at least the Division (Precinct level in Patrol) level before this type of employment may be worked, or In any situation wherein the employment is for the purpose of facilitating, in any manner, a premises where alcohol is served or sold, approval must be by the Chief of Police and/or the designee.
- D. Before a supervisor grants verbal permission for extra-duty employment, he/she shall take the necessary steps to confirm that the extra-duty employment meets department policy and is through a licensed contract security company, a licensed proprietary security organization, or an agency exempted by the Private Protective Security Act (TCA 62-35-101), if applicable.
- E. In no event shall verbal permission alone authorize more than one shift of that secondary employment. Within twenty-four hours following the completion of the verbally approved secondary employment, the employee is required to submit a completed Form 150, Secondary Employment Request, through the chain of command.
- F. If an employee works for a contract security company or proprietary security organization at different geographic locations, **separate MNPDP Form 150 Secondary Employment Requests, must be submitted for each location in which employment is requested.**
1. Separate forms shall not be required when, by the very nature of the job, frequent changes of location are required or are impossible to know in advance (i.e., directing traffic for crews that move from one location to another throughout the day).
  2. Any request to work at multiple sites using **one** (1) MNPDP Form 150, Secondary Employment Request, **must be specifically stated on the form** and is subject to review and determination of applicability by the Secondary Employment Unit. Such request must clearly articulate why the submission of multiple forms is not possible and/or applicable with respect to the requested employment.
- G. Requesting employees shall forward MNPDP Form 150, Secondary Employment Request, with the required attachments, through their **appropriate** chain of command.

1. Supervisors in the employee's chain of command shall review the request, determine if the employment meets rules, policies and procedures of the Metropolitan Government, acknowledge approval or disapproval, and forward to the next level in the chain of command if necessary.
  2. Employees denied permission to engage in extra-duty employment may pursue a grievance, as outlined in current departmental policy.
- H. An employee's permission to engage in secondary employment may be revoked or suspended by a supervisor if the employment in any way impairs or interferes with the performance of the employee's regular duties, is found to be in violation of departmental policy, or is deemed as problematic or reflects poorly on the professional standards of the MNPd, regardless of the number of hours worked.
- I. Any departmental supervisor witnessing a violation of departmental policy by an employee engaged in secondary employment shall take any necessary immediate action to correct the violation. This may include revoking permission to engage in the secondary employment pending a disciplinary hearing or temporarily suspending permission to work any secondary employment.
- J. In addition to the staff of the Secondary Employment Unit, sworn personnel in the Inspections Section shall conduct spot checks of employees engaged in secondary employment to ensure compliance with departmental policies.
- K. All approved Secondary Employment Request Forms shall expire on February 1<sup>st</sup> of every year unless determined otherwise by the Chief of Police.
- L. To ensure that the files of the Secondary Employment Unit stay current and accurate, it shall be the responsibility of the employee to notify the Secondary Employment Unit in writing when any requested secondary employment has been terminated for any reason.
- M. When a company or agency has contracted for services through the Secondary Employment Unit, police department employees are not permitted to independently schedule additional hours, shifts, or change previously defined starting and/or ending times with the company/client or any representatives of the company/client.

1. In the event that an assignment will last longer than the previously scheduled hours, the employee shall contact the SEU office and/or after hours SEU staff.
  - a. SEU supervisory personnel or the on-call SEU personnel (after SEU business hours) may approve additional work hours beyond the twenty (20) hour limit under extraordinary circumstances or during emergency situations to ensure public safety.
  - b. In such situations, it will be the responsibility of the SEU supervisor to provide relief as soon as feasible.
  - c. Officers shall notify the appropriate on-duty supervisor wherein the employment occurs before leaving any SEU assignment where the abandoning of such post would represent a danger to public safety.
  - d. In the rare event an SEU supervisor is not available, the on-duty supervisor wherein the employment occurs may authorize relief utilizing on-duty personnel as soon as feasible to ensure public safety.

**Example:** An officer is working a SEU assignment directing traffic on the interstate for repaving. The assignment was due to be completed at 0700 hrs. The officer working would have completed 20 hours extra duty for that week at that time. Due to equipment problems the assignment will last an additional 3 hours. If the post should be abandoned, there would be a substantial risk to the safety of the workers and the motoring public. The officer working the assignment shall notify the SEU supervisor. The SEU supervisor may authorize the additional work hours for the officer.

Additionally, in the rare event a SEU supervisor is not available and the officer working the assignment must be relieved, an on-duty supervisor may utilize on-duty personnel to relieve the officer where public safety would be jeopardized should the assigned position be unmanned. In such cases, the SEU Unit will be notified as soon as possible to ensure proper procedures are completed to obtain proper restitution to the MNPd from the SEU employer.

#### **4.30.090 Recording/Review of Secondary Employment Assignments**

- A. All secondary employment hours worked that have been scheduled through the MNPd SEU office shall be recorded in the appropriate time

accounting database by the authorized personnel assigned to the MNPd SEU office.

- B. Secondary employment including any overtime due to court, working past end of shift or work on MNPd Grant or Special Event assignments, shall be recorded into the appropriate time accounting database by the employee's authorized supervisor receiving the completed MNPd Form 325, Extra Time Voucher, by authorized Court Appearance or Payroll Section personnel.
- C. Any officer engaging in any secondary employment not being reimbursed by the Metropolitan Government shall enter all such employment hours into the appropriate time accounting database no later than their next assigned work day immediately following the secondary employment.

**NOTE:** The appropriate application needed to enter hours worked for provision C above may not be operational at the time of release of this directive. If so, this provision shall become effective only after the appropriate application is operational. Employees shall be notified prior to such time to ensure proper compliance.

- D. The time accounting application shall automatically notify an employee's immediate supervisor if his/her secondary employment hours should they exceed the twenty (20) hour limit restriction.
- E. Upon notification the employee's immediate supervisor shall immediately review the employee's secondary and overtime hours worked to ensure compliance with this directive and to ensure the employee's performance of their assigned duties as an MNPd employee is not being compromised or adversely effected.
- F. Supervisory personnel shall take any corrective/disciplinary action necessary to correct any violations noted.

#### **4.30.100 Duties & Responsibilities of the Secondary Employment Unit**

- A. Sworn employees working extra-duty employment through the Secondary Employment Unit are working in an on-duty status. These assignments shall be made in the most nondiscriminatory and equitable manner possible to ensure that as many officers as possible, who volunteer for such work, are allowed to benefit from a fair distribution of the duty assignments.

- B. When the Secondary Employment Unit has contracted to provide staffing for an assignment and is unable to fill all vacancies through the posting and announcement process, staffing assignments shall be made as per the current procedures utilized by the Special Events Section for staffing vacancies at special events.
- C. The Secondary Employment Unit shall be responsible for maintaining all Secondary Employment Requests (MNPDP Form 150).
- D. The SEU shall notify the employee in the event someone other than a police department employee wishes to view an employee's secondary employment file.
- E. The SEU will ensure that no department or agency of the Metropolitan Government or a private, non-government entity, contracting with the police department for extra duty will be allowed to request specific officers be scheduled for assignment. The Chief of Police or designee is authorized to make such assignment if he/she determines that there is a valid, non-discriminatory basis for that assignment and the request is articulated in writing.
- F. The SEU shall maintain a "Read Only" database on a shared folder accessible to all MNPDP supervisors that contains, at a minimum, the following information:
  - 1. The name, and regular duty assignment of the authorized employee working each extra-duty assignment; and,
  - 2. The approved, anticipated extra-duty hours of each assignment; and
  - 3. If the assigned employee has authorized use of a departmental vehicle for the extra-duty assignment listed; and
  - 4. Whether or not the approved secondary employment is engaged in the sale of alcoholic beverages for consumption on the premises.

#### **4.30.110 Use of Departmental Vehicles for Secondary Employment**

- A. The Secondary Employment Unit must authorize any use of a departmental vehicle in the course of any extra-duty employment scheduled by the Secondary Employment Unit.
- B. Employees that are assigned a department vehicle and designated to be on twenty-four hour call are **not** authorized to use or operate a department vehicle in the course of extra-duty employment. These employees are only authorized to drive the department vehicle to and from any secondary employment.

- C. Those employees that are “on-call” at various times may only drive a department vehicle to and from the extra-duty employment during those times that they are actually in an “on-call” status.

“On-Call” personnel are those individuals that are assigned to respond to incidents or calls for assistance outside of normal working hours for the component to which they are assigned. Lists of authorized on call personnel are maintained at the Emergency Communications Center.

- D. **ALL** personnel utilizing assigned department vehicles during extra-duty employment must adhere to the following:
  - 1. Complete MNPDP Form 325, Extra Time Voucher, in conjunction with that extra-duty employment, listing the vehicle used for extra-duty employment and the specific purpose of such use; and
  - 2. List whether the vehicle used was a marked vehicle, unmarked vehicle, motorcycle, or bicycle in the vehicle code section of the form; and
  - 3. Turn in the completed form to the Secondary Employment Unit (SEU) within twenty-four (24) hours of completing the employment; and
  - 4. Turn in MNPDP Form 253 or Officers Daily Activity Report, to the immediate supervisor during the employee’s next tour of duty;
  - 5. The original MNPDP Form 253 shall be submitted to the SEU office for employment scheduled through the SEU Unit; and
  - 6. A copy of the MNPDP Form 253 must be submitted to the SEU for secondary employment not scheduled through the SEU Office.
  - 7. This applies to all sworn personnel, including supervisors.
- E. Police motorcycles, bicycles and unmarked police vehicles (Flex Style vehicles permitted) shall not be authorized for use in blocking lanes of traffic, etc.
- F. Other departmental equipment may be utilized when specifically authorized by the Chief of Police or his designee.
- G. Employees shall be responsible for the proper care and maintenance of all equipment issued or assigned to them and shall exercise all due precautions to prevent theft, loss, or damage.
- H. Employees shall promptly report any theft, loss, or damage to any department property or equipment that occurs during the course of any secondary employment.
- I. Employees shall be held financially liable for the loss or damage of any department property or equipment that occurs through the negligent

act(s), omission(s), or willful misconduct of the employee during the course of any secondary employment.

**4.30.120 Supervisory Review of Secondary Employment Requests and Ongoing Supervisory Responsibility**

- A. When reviewing requests to engage in secondary employment all supervisory personnel must remain mindful that MNPD employees may be given permission to engage in secondary employment only when such secondary employment does not interfere with the performance of their duties and obligations as police department employees, ; and is neither problematic nor reflects poorly on the professional standards of the Department. It is the responsibility of every supervisor in the chain of command to closely scrutinize each request to insure that the professional standards of the department are not compromised. This is especially true for any request to engage in secondary employment for any event or any establishment where alcohol is served, where the employee is requesting an exception to the wearing of the Class A or Class B uniform, or where verbal permission is being requested prior to receiving approval through the chain of command via the Form 150 process.
- B. Supervisors in the approval process will be held strictly accountable for ensuring that all aspects of this policy are complied with and that each Form 150 submitted is factually and technically correct. This includes, but is not limited to, a detailed description as to the type of secondary employment being requested and the sufficiency, accuracy and completeness of the submitted request. In the event a submitted Form 150 is determined to be insufficient or incorrect, all supervisors in the chain of command will be required to submit a written explanation as to why an improper or insufficient Form 150 was submitted.
- C. Supervisors are expected to be aware of all hours worked by any subordinate engaging in secondary employment. Accordingly, supervisors are expected to monitor not only the number of hours worked each week but also whether the hours worked on a daily basis could reasonably be expected to have a negative impact on the duties and obligations of the employee. Supervisors are ultimately responsible for the conduct of subordinates, whether working regular hours or whether working in a secondary employment capacity, and should make frequent inquiry as to any event or occurrence during secondary employment activities that may warrant inquiry or corrective action.
- D. The first consideration, when presented with a request to engage in secondary employment (MNPD Form 150) for consideration, should be



determined whether or not such employment will not be problematic nor reflect on the professional standards of the MNPd in a negative manner. Supervisors should be ever mindful that MNPd employees engaging in secondary employment, and especially extra duty employment, regardless of the employer, are representing the professional image of the Department.

- E. In arriving at a decision a helpful touchstone would be whether the request for employment would be approved by the MNPd Secondary Employment Unit if the business or concern approached the MNPd and requested to contract with the Metropolitan to provide security on their premises. If it is your determination that the contract would not be approved by MNPd SEU, you should not approve the request. If in doubt as to whether it would be approved, you are encouraged to contact MNPd SEU personnel for advice as to whether such a contract would be approved.
- F. Supervisors have a continuing duty to consider the secondary employment of any employee within their supervision. In particular, supervisors shall review the SEU database for any employee transferred into their unit. Supervisors should conduct a review of any previously approved MNPd Form 150, in light of the employee's new assignment or duties, and document their review consistent with this policy.
- G. Documentation of Supervisory Review of MNPd Form 150
  - 1. The immediate supervisor of an employee requesting to engage in secondary employment will attach a **supervisor review** to the Form 150. The approved supervisor review template can be found by clicking on the following link <K:\fob supervisor packets\Secondary Employment Guidelines & Templates>. In the supervisor review, the supervisor shall conduct a proper investigation and state that he or she has investigated the secondary employment request, the establishment and relevant persons associated with such employment/establishment and formulate an opinion that engaging in such secondary employment at the event or establishment will **not be problematic and will not reflect on the professional standards** of MNPd in a negative manner. This investigation may include, but is not limited to, a review of the call history at the event or establishment, a visit to the establishment or an inquiry to MNPd supervisory personnel assigned to the area in which the event or establishment is located.
  - 2. When the Secondary Employment Unit conducts a supervisor review for such events and/or venues as, but not limited to, Nissan Stadium, Bridgestone Arena, Municipal Auditorium, Ascend

Amphitheatre, Vanderbilt University, Music City Center, CMA Festival, First Tennessee Ball Park and MNPS locations, an independent supervisor review is not required.

3. If there is a supervisor review created by another supervisor for an event or venue, but it was completed by a supervisor outside the submitting employee's chain of command, it may be used. However, the submitting employee's supervisor must create a brief supervisor review. In the brief supervisor review, please include your review efforts and give an opinion of whether or not you agree or disagree with the original supervisor's findings. An example can be found by clicking on the following link <K:\fob supervisor packets\Secondary Employment Guidelines & Templates>

#### H. Alcohol Related Secondary Employment

1. Special attention will be given to any request to engage in secondary employment where alcohol may be sold or served or in any establishment with a "bar" or a dedicated area within the establishment where alcohol is consumed. Such requests will not be approved unless all supervisors in the chain of command provide assurance that such secondary employment in that establishment will not be problematic nor will reflect poorly on the professional standards of the MNPD.
2. Likewise, assuming all other conditions are satisfied, special attention must be given to any request to engage in secondary employment in any restaurant that closes its kitchen, or discontinues full course menu food service, more than 30 minutes prior to the scheduled closing time. Approval for secondary employment should end a reasonable time (generally, 30 minutes) after the kitchen closes, or full course menu food service is discontinued.
3. In making a judgment as to whether the engaging in secondary employment in any restaurant serving alcohol may be problematic or may reflect on the professional standards of the MNPD in a negative manner, supervisors should give special consideration to the type of service the restaurant provides. For example, does the restaurant provide full course menu dining designed to attract a family dining type clientele or does the restaurant offer only a limited menu and appear to serve primarily as a venue for adult social gathering?
4. The "twenty percent rule" should be used only as a guideline when making a determination to approve/disapprove any secondary employment requests where alcohol may be sold, served for

consumption. The mere assertion by management that the sale of alcohol for consumption on the premises does not exceed twenty percent of total revenue does not, alone, require that approval be granted. Supervisors may require that additional documentation or accounting be supplied to help in arriving at this determination. Additionally, even where the overall sale of alcohol does not exceed twenty percent of the total revenue in total, supervisors should make a determination as to whether the sale of alcohol exceeds twenty per cent during any time frame the business is open. For example, during the hours after the kitchen closes and full course menu food service is discontinued. It shall be the responsibility of the immediate supervisor of the employee requesting to engage in secondary employment in any establishment where alcohol is served to document in the attached supplemental report the business practices of the establishment and the hours being approved.

5. The immediate supervisor of any employee presently approved to engage in secondary employment in any establishment where alcohol is served will immediately review that approval, submit the supplemental report described above and, if appropriate, reaffirm that approval. A review of previous alcohol related approvals can be conducted by accessing the MNPd SEU data base.
6. Supervisors approving a request to engage in secondary employment in an establishment serving alcohol will inform the requesting employee that the approval is not effective until and unless that employee has received confirmation that the submitted Form 150 has been approved by all supervisors in the chain of command and the MNPd Office of Secondary Employment.

I. Verbal Authorization

Requests for verbal authorization, for any secondary employment, must be approved by the Precinct or Division Commander. No request for verbal authorization will be approved unless it is in the best interest of the Metropolitan Nashville Police Department that the requesting employee engages in the secondary employment prior to a complete investigation of the request by the immediate supervisor and the processing of the approval through the chain of command. Any request for verbal approval must be made through the chain of command by the employee's supervisor.

**NOTE:** Verbal permission **MAY NOT** be granted for secondary employment where alcohol is sold or served, or at a location that provides other services such as parking, etc., to such

*premises*). Verbal permission may not be granted for secondary employment involving 'plain clothes' assignments.

**J. Uniforms**

1. Any request to engage in extra duty employment in a uniform other than a Class A or Class B uniform should be examined closely. Typical non Class A or B uniform exceptions would for bicycle officers being hired to patrol on their bicycles or K9 handlers employed for the purpose of detecting explosives. A detailed description on the Form 150 is required.
2. Requests to engage in extra duty employment in civilian attire must be must be accompanied by a supplement from the immediate supervisor of the requesting employee explaining how the best interests of the MNPd are served by authorizing the wearing of non-uniform apparel.

#### 4.40 Biased Based Policing

It is the policy of the department to police in a proactive manner, to actively enforce criminal laws, while insisting that individuals will only be stopped or detained when there exists reasonable suspicion to believe they have committed, are committing, or are about to commit, a violation of the law.

Law enforcement personnel should focus on a person's conduct or other specific suspect information. They must have reasonable suspicion supported by specific articulated facts to support the conclusion that a person contacted regarding identification, activity or location has been, is, or is about to commit a crime. Personnel should have the same level of supporting evidence that the subject is currently presenting a threat to the safety of themselves or others.

Annually, the Metropolitan Nashville Police Department will provide training addressing the prevention of biased-based police practices. Training may include field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination, and community support. Training will occur at annual in-service training, roll call training, field training by department Field Training Officers (FTOs), or training by line supervisors.

##### 4.40.010 Definitions

- A. **Biased Based Policing:** is the selection of individuals for enforcement intervention based ***solely*** on a common trait of a group, such as race, ethnic origin, gender, socioeconomic status, sexual orientation, or age. This however does not preclude consideration of race or ethnicity when it is part of a suspect's description or is otherwise validly related to an officer's investigation of criminal activity.
- B. **Reasonable Suspicion:** Suspicion that is more than a mere hunch. It is a conclusion based on a set of articulable facts and circumstances that would warrant a person of reasonable caution to believe that an infraction of the law has been committed, is about to be committed, or is in the process of being committed, by the person or persons under suspicion. This can be based on the observations of a police officer combined with his or her training and experience, and/or reliable information received from credible sources.

#### 4.40.020 Procedures

- A. Individuals shall only be subjected to stops, seizures or detentions upon reasonable suspicion that they have committed, are committing, or are about to commit a criminal offense, or that the subject is currently presenting a threat to the safety of themselves or others.
- B. No individual, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity, and no person, vehicle, or dwelling shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirement, or the person's voluntary consent. In the case of traffic stops where such a search is conducted, this information shall be recorded on MNPDP Form 252, Vehicle Stops Data Form, including the legal basis for the search, and the results thereof.

**NOTE:** It is strongly recommended that consent searches only be conducted with written consent, using the proper departmental form. If the individual indicates that they will consent to a search but are refusing to sign the form, fill out the form anyway and indicate "consented to search but refused to sign," inserting initials and the signature of any witness in the signature block.

- C. In the absence of a specific, credible report containing a physical description, a person's race, ethnic origin, gender, socioeconomic status, sexual orientation, or age, or any combination of these, shall not be a factor in determining probable cause for an arrest or reasonable suspicion for a stop.
- D. The deliberate recording of any misleading information related to the actual or perceived race, ethnic origin, gender, socioeconomic status, sexual orientation, or age of a person stopped for investigative or enforcement purposes is prohibited and a cause for disciplinary action.
- E. Appropriate enforcement action should always be completed, generally in the form of a warning, citation or arrest. MNPDP Form 252, Vehicle Stops Data Form, must be completed by the officer for traffic stops. The form shall include the gender, race or ethnicity of the person stopped, if this information can reasonably be ascertained by physical appearance or from the driver's license, other documents provided by

the vehicle operator, voluntary statements from the person stopped, or observations made by the officer.

- F. Traffic enforcement will be accompanied by consistent, ongoing supervisory control to ensure that officers do not go beyond the boundary of reasonableness in conducting such activities. Supervisors will monitor traffic activities of assigned employees to ensure biased enforcement of traffic violators does not occur. Supervisors shall review reports filed on stops by officers, and respond at random to back up officers on vehicle stops, and shall take appropriate action whenever it appears that this policy is being violated, being particularly alert to any pattern or practice of possible discriminatory treatment by individual officers or components.

#### **4.40.030 Training Measures**

- A. Officers will receive initial and ongoing training in proactive enforcement tactics, including training in officer safety, courtesy, cultural diversity, laws governing search and seizure, and interpersonal communications skills.
- B. Training programs will emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or police action based on a common trait of a group, such as race, ethnic origin, gender, socioeconomic status, sexual orientation, or age.

#### **4.40.040 Property Seizure and Forfeiture**

All seizures of property shall be subject to the same standards set forth in the above order in that the decision to seize property shall not be based solely on a common trait of a group, such as race, ethnic origin, gender, socioeconomic status, sexual orientation, or age. Additionally, all seizures and forfeitures will comply with current policy on property and evidence collection and storage of the Metropolitan Nashville Police Department.

#### **4.40.050 Complaint Procedures**

- A. Any person may file a complaint with the department if they feel they have been stopped or searched based solely on as race, ethnic origin, gender, socioeconomic status, sexual orientation, or age, and no person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a

complaint. All complaints shall be handled per current departmental policy.

- B. On an annual basis, the Office of Professional Accountability will compile an administrative review of all profiling complaints for the year, including the findings as to whether they were sustained, not sustained, or exonerated including a review of agency practices including citizen concerns. This report will be made public through the Office of the Chief of Police.

#### **4.40.060 Vehicle Stops Form**

- A. The Vehicle Stops Data Form was originally developed by the State of Tennessee Comptroller's Office. Sworn officers of the Nashville Metropolitan Police Department are required to complete MNPDP Form 252, Vehicle Stops Data Form for **ALL** vehicle stops initiated.
- B. MNPDP Form 252, Vehicle Stops Data Form shall be completed for all officer initiated vehicle stops (moving traffic violations, equipment violations, and investigative stops based on reasonable suspicion or probable cause of criminal conduct).
- C. The following information will be provided by the officer who initiated the stop:
  - 1. Department Originating Agency Identifier Number (pre-printed TN0190100)
  - 2. Officer Identification Number (Six Digit Employee Number)
  - 3. Location of Stop-Beat, District, precinct, Tract, Zone (pre-printed DAVIDSON CO)
  - 4. Gender of vehicle operator stopped
  - 5. Time (Military)
  - 6. Date (mmddyy)
  - 7. Race of the vehicle operator
  - 8. Ethnicity of vehicle operator
  - 9. Age of driver
  - 10. Reason for initiating stop
  - 11. Results of stop
  - 12. Who was action taken against?
  - 13. Did a search occur?
  - 14. Type of search, if applicable



15. Legal basis for search, if applicable any "Terry Stop" / "Pat Down"  
search should be considered and marked as Probable Cause
  16. Physical evidence seized, if applicable
  17. Type of evidence seized, if applicable
  18. Driver's license number and state
  19. Vehicle tag number and state
  20. Actual location / nearest cross street
  21. Related complaint number, if applicable
  22. Reporting Area (RPA), (Completed by Data Entry Section)
  23. Related Ticket Number, if applicable
  24. Officer Assignment (enter a single character for assignment [Patrol, Traffic, Addministrative, Investigative, or Other (K-9, School Services, etc.)])
- D. The Crime Analysis Unit will provide the Chief of Police with an annual report of Vehicle Stop Data information.

## **4.50 Harassment and Discrimination**

### **4.50.010 Purpose**

The purpose of this order is to maintain a healthy work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating, and resolving complaints of harassment and discrimination. Federal law provides for the protection of classes of persons based on race, color, gender, religion, age, disability, and national origin. This order also provides for the protection of classes of persons based on their sexual orientation.

### **4.50.020 Policy**

It is the policy of the Metropolitan Nashville Police Department that all employees have the right to work in an environment free of all forms of harassment and discrimination. The Metropolitan Nashville Police Department **will not** tolerate, condone, or allow harassment or discrimination by employees or of employees. The Metropolitan Nashville Police Department considers the harassment and discrimination as a form of serious employee misconduct. Therefore, this department shall take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment and discrimination. A violation of this order can lead to discipline, up to and including termination. Repeated violations, even if “minor”, will result in greater levels of discipline as appropriate.

### **4.50.030 Definitions**

For purposes of this policy, the following definitions apply:

- A. **Discrimination:** Any action that unlawfully or unjustly results in unequal treatment of persons based on race, color, gender, religion, age, disability, sexual orientation, or national origin.
- B. **Retaliation:** Taking, or threatening to take, an unfavorable personnel action or withholding, or threatening to withhold, a favorable personnel action against an individual for attempting to communicate a complaint of discrimination or harassment to a supervisor, the commander of the Human Resources Division, the Office of Professional Accountability, the Chief of Police, the Metropolitan Government Equal Employment Opportunity Coordinator, or any other person, entity, or agency.
- C. **Sexual harassment:** Unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment or favorable or unfavorable treatment; or
2. Submission to or rejection of such conduct by an employee is used as the basis for employment-related decisions affecting the employee; or
3. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may be in the form of comments, acts, or gestures. It is not limited to overt physical acts. Suggestive comments, jokes of a sexual nature, sexually suggestive objects or pictures, obscene gestures, sexually graphic stories, as well as unwanted touching, can all constitute sexual harassment. Conducting, encouraging or condoning any of the above activities toward or about a person of the same gender, can also constitute sexual harassment.

#### **4.50.040 General Provisions**

##### **A. Prohibited Activity**

1. No employee shall either explicitly or implicitly ridicule, mock, deride, or belittle any person.
2. Employees shall not make offensive or derogatory comments to any person, either directly or indirectly, based on race, color, gender, religion, age, disability, sexual orientation or national origin. Such harassment is a prohibited form of discrimination under state and federal employment law and/or is also considered misconduct subject to disciplinary action by this department.

##### **B. Employee / Supervisor Responsibilities**

1. Each supervisor shall be responsible for preventing acts of harassment and/or discrimination. This responsibility includes the following:
  - a. Monitoring the unit work environment on a daily basis for signs that harassment and/or discrimination may be occurring;
  - b. Counseling all employees on the types of behavior prohibited, and the department procedures for reporting and resolving complaints of harassment and/or discrimination;
  - c. Stopping any observed acts that may be considered harassment and/or discrimination, and taking appropriate steps

to intervene, whether or not the involved employees are within his/her line of supervision; and

- d. Taking immediate action to prevent retaliation towards the complaining party and to eliminate the hostile work environment where there has been a complaint of harassment and/or discrimination, pending investigation. If a situation requires separation of the parties, care should be taken to avoid actions that appear to punish the complainant. Transfer or reassignment of any of the parties involved should be voluntary if possible and, if non-voluntary, should be temporary, pending the outcome of the investigation.

Failing to carry out these responsibilities shall be grounds for discipline.

2. Once a supervisor has been advised, formally or informally, of an incident or incidents involving possible harassment and/or discrimination, that supervisor is responsible to, and shall, initiate an investigation as established by Article VI, Section A, Filing a Complaint with a Supervisor. Any supervisor shall assist any employee of this department who comes to that supervisor with a complaint of harassment and/or discrimination in documenting and filing a complaint with the Office of Professional Accountability or other investigatory authority as designated by this department.
3. Each employee of this department is responsible for assisting in the prevention of harassment and/or discrimination through the following acts:
  - a. Refraining from participation in, or encouragement of, actions that could be perceived as harassment and/or discrimination;
  - b. Reporting acts of harassment and/or discrimination to a supervisor; and
  - c. Encouraging any employee who confides that he or she is being harassed and/or discriminated against to report these acts to a supervisor.

Failure of any employee to carry out these responsibilities shall be grounds for discipline.

#### **4.50.050 Complaint Procedures**

Any employee encountering harassment and/or discrimination is encouraged to inform the person that his/her actions are unwelcome and offensive. The employee will document all incidents of harassment and/or discrimination in order to provide the fullest basis for investigation.

Any employee who believes that he/she is being harassed and/or discriminated against shall report the incident(s) as soon as possible so that steps may be taken to protect the employee from further harassment and/or discrimination, and so the appropriate investigative and disciplinary measures may be initiated.

If it is a continuing problem, the complainant should state when the conduct began and the progression of events to the time of the complaint. A complaint may be filed by a current employee, an applicant, or any other person. A complaint may be filed individually or as a group. All complainants shall have the right to have one representative of their choosing with them at all stages of the complaint procedure.

The complaining party's confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.

Whether the offending party is in the complainant's chain of command or not, the employee may file a departmental complaint with: their supervisor; another supervisor; the commander of Human Resources Division; the Office of Professional Accountability; the Chief of Police; or the Equal Employment Opportunity Coordinator of the Metropolitan Government Human Resources.

A complaint of harassment and/or discrimination may be filed according to the following procedures:

A. Filing a Complaint with a Supervisor

1. When any supervisor is notified of a harassment and/or discrimination complaint, that supervisor shall meet with the employee and document the complaint in writing to include, but not limited to:
  - a. The incident(s) complained of;
  - b. The person(s) performing or participating in the harassment and/or discrimination;
  - c. Any witnesses to the incident(s); and
  - d. The date(s) on which it occurred.
2. The department employee taking the complaint shall promptly submit a confidential memorandum, documenting the complaint, to the Chief of Police, with a copy forwarded to the complaining party's Bureau Commander and the Office of Professional Accountability.

3. If the supervisor who is documenting the complaint is not in the chain of command of the complaining party, upon receipt of the confidential memorandum, the Chief of Police or his/her designee will designate the appropriate party to conduct the investigation.
  4. The supervisor designated to conduct the investigation shall document all aspects of the investigation and inform the employee, in writing, of the results and/or action(s) taken to date within seven (7) working days.
  5. Any resolution to the complainant shall be acknowledged by the investigating supervisor and the complaining party, in writing, to then be forwarded and reviewed by the complaining party's chain of command to ensure fairness and impartiality.
  6. Failure to take action regarding complaints of harassment and/or discrimination shall be grounds for disciplinary action.
  7. If the complaining party is dissatisfied with the results of the investigation, the complaining party should follow the steps outlined in Article VI, Section D, Filing a Complaint with the Chief of Police, within ten (10) calendar days of the final disposition of the investigating supervisor.
- B. Filing a Complaint with the Commander of Human Resources Division
1. When the commander of the Human Resources Division is notified of a harassment and/or discrimination complaint, a meeting with the employee shall occur to document the complaint in writing to include, but not limited to:
    - a. The incident(s) complained of;
    - b. The person(s) performing or participating in the harassment and/or discrimination;
    - c. Any witnesses to the incident(s); and
    - d. The date(s) on which it occurred.
  2. The commander of the Human Resources Division shall promptly submit a confidential memorandum, documenting the complaint, to the Chief of Police, with a copy forwarded to the complaining party's Bureau Commander and the Office of Professional Accountability.
  3. Upon receipt of the confidential memorandum, the Chief of Police or his/her designee will designate the appropriate party to conduct the investigation.

4. If the commander of the Human Resources Division has been designated to conduct the investigation, he/she shall document all aspects of the investigation and inform the employee, in writing, of the results and/or action(s) taken to date within seven (7) working days.
5. Any resolution to the complainant shall be acknowledged by the commander of the Human Resources Division and the complaining party, in writing, to then be reviewed by the complaining party's chain of command to ensure fairness and impartiality.
6. Failure to take action regarding complaints of harassment and/or discrimination shall be grounds for disciplinary action.
7. If the complaining party is dissatisfied with the results of the investigation, the complaining party should follow the steps outlined in Article VI, Section D, Filing a Complaint with the Chief of Police, within ten (10) calendar days of the final disposition of the commander of the Human Resources Division.

**C. Filing a Complaint with the Office of Professional Accountability**

1. The Office of Professional Accountability shall be responsible for investigating any complaint alleging harassment and/or discrimination reported to that division.
2. Upon receipt of the complaint, the Office of Professional Accountability shall promptly submit a confidential memorandum, documenting the complaint, to the Chief of Police, with a copy forwarded to the complaining party's Bureau Commander. The Office of Professional Accountability shall also immediately notify the District Attorney's Office if the complaint contains evidence of criminal activity.
3. The Office of Professional Accountability investigator shall include a determination as to whether other employees or citizens are being harassed and/or discriminated against by the person(s), and whether other department employees participated in or encouraged the harassment and/or discrimination.
4. The investigation of the complaint shall be completed within thirty (30) calendar days of receipt. An additional thirty (30) calendar days may be authorized by the Chief of Police should the complexity or other complicating factors of the investigation warrant the extension.

5. The Office of Professional Accountability shall forward the full report and findings to the Chief of Police upon completion of the investigation.
6. After review, the Chief of Police will send a written notice of the results and/or action(s) taken to date within fourteen (14) calendar days to the complainant.
7. If the complaining party is dissatisfied with the results of the investigation, the complaining party should follow the steps outlined in Article VI, Section E, Filing a Complaint with the Metropolitan Government Equal Employment Opportunity Coordinator, within ten (10) calendar days of the final disposition of the Office of Professional Accountability.
8. All files of harassment and/or discrimination complaints shall be maintained in a secure location within the Office of Professional Accountability. The Chief of Police shall be provided with an annual summary of all harassment and discrimination complaints by the Office of Professional Accountability commander.

**D. Filing a Complaint with the Chief of Police**

1. When a complaint is filed with the Chief of Police, the Chief or the Chief's designee shall investigate the complaint and take corrective action should the allegation(s) be sustained.
2. The investigation of the complaint shall be completed within thirty (30) calendar days of receipt, with an additional thirty (30) calendar days allowed should the complexity or other complicating factors of the investigation warrant the extension.
3. The Chief of Police shall notify the complaining party, in writing, of the results of the investigation and any pending disciplinary charges, within fourteen (14) working days of the conclusion of the investigation.
4. If the Chief of Police determines that the allegations warrant a third party investigation, he/she shall refer the complaint to the Metropolitan Government Equal Employment Opportunity Coordinator to assist in the investigation. The Chief of Police will also refer the complaining party to Article VI, Section E, Filing a Complaint with the Metropolitan Government Equal Employment Opportunity Coordinator, in the written reply required in Article VI, Section D, Filing a Complaint with the Chief of Police.



5. If the complaining party is dissatisfied with the results of the investigation, they should follow the steps outlined in Article VI, Section E, Filing a Complaint with the Metropolitan Government Equal Employment Opportunity Coordinator, within ten (10) calendar days of the final disposition of the Chief of Police.
- E. Filing a Complaint with the Metropolitan Government Equal Employment Opportunity Coordinator
1. The complaining party may file a written complaint with the Equal Employment Opportunity Coordinator of the Metropolitan Government Human Resources. Such written complaint shall be filed within ten (10) working days from the date of notification from the Chief of Police, as set out in Article VI, Section D, Filing a Complaint with the Chief of Police.
  2. If the alleged offending party is the Chief of Police, Article VI, Section E, Filing a Complaint with the Metropolitan Government Equal Employment Opportunity Coordinator, is where the complaint process begins.
  3. The Metropolitan Government Equal Employment Opportunity Coordinator is responsible for conducting an investigation of the complaint. The investigation shall be completed within thirty (30) calendar days of receipt. An additional thirty (30) calendar days may be authorized by the Director of Metropolitan Government Human Resources should the complexity or other complicating factors of the investigation warrant the extension.
  4. The Metropolitan Government Equal Employment Opportunity Coordinator is responsible for notifying the complaining party and the Chief of Police, in writing, of the results of the investigation, and any further action to be taken, within ten (10) working days of the conclusion of the investigation.
  5. If the alleged offending party is the Chief of Police and the allegation(s) are sustained, the Metropolitan Government Equal Employment Opportunity Coordinator will forward the results to the Mayor for review and action.
  6. After review, the Chief of Police will send a written notice of the results and/or action(s) taken to date within fourteen (14) calendar days to the complainant.
  7. If the complaint has progressed to Article VI, Section E, Filing a Complaint with the Metropolitan Government Equal Employment

Opportunity Coordinator, because of dissatisfaction with the initial decision of the Chief of Police, and the Metropolitan Government Equal Employment Opportunity Coordinator has remanded the complaint to the Chief of Police for further review, the Chief of Police shall review the case and notify the complaining party, in writing, of the results and/or action(s) taken of the further review within fourteen (14) working days of receiving the case from the Metropolitan Government Equal Employment Opportunity Coordinator.

8. Complainants or employees accused of harassment and/or discrimination may file a grievance (within ten (10) calendar days of the final disposition of the Chief of Police) in accordance with current departmental policy and Civil Service Commission Rules when the employee disagrees with the results of the investigation or disposition of a harassment and/or discrimination claim.

#### **4.50.060 Retaliation**

- A. Retaliation against any employee for filing a harassment and/or discrimination complaint, or for assisting, testifying, or participating in the investigation of such a complaint, is illegal and is prohibited by this department and by federal statutes.
- B. Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by the same complaint procedures established for harassment and discrimination complaints.
- C. Monitoring to ensure that retaliation does not occur is the responsibility of the Chief of Police, all supervisors and the Office of Professional Accountability. It is the responsibility of the complainant to report any retaliation or attempt of retaliation to his/her supervisor or any other supervisor, the commander of Human Resources Division, Office of Professional Accountability, Chief of Police, or to the Equal Employment Opportunity Coordinator of the Metropolitan Government Human Resources.

#### **4.60 Relief From Duty/Decommission and Alternate Duty Assignment**

The purpose of this policy is to state procedures to be followed when an employee is to be relieved from duty, have their law enforcement powers restricted, and/or given an Alternate Duty assignment.

##### **4.60.010 Definitions**

- A. **Decommission:** An administrative action wherein the departmentally issued police commission, and the authority granted by it, is temporarily removed or restricted.
- B. **Alternate Duty Assignment:** An administrative action taken in response to any situation wherein it is determined to be in the best interest of the department, the employee involved, or both to restrict the employee to an approved location, during regular duty hours. The employee shall be available by telephone, able to respond to their Division/Precinct, Bureau Chief's office, or Chief of Police's office within one hour notice between the hours of 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m. (or the general business hours of the component assigned). For the purposes of payroll classification, MNPd personnel shall utilize the currently established designation "AA" for any alternate duty assignment.
- C. **Relief from Duty:** A temporary administrative action wherein the employee retains their departmental issued police commission and authority granted by it, but is relieved from their normal duty assignment or has their regular duties or hours altered to accommodate an investigative or other departmental requirement as may be necessary. An employee temporarily relieved from normal duty may, as approved by the chain of command, retain any or all of their departmental equipment and/or police commission.

##### **4.60.020 Authority & Reasons for Decommission and/or Alternate Duty Assignment**

- A. Authority
  - 1. A police commission is issued by the Chief of Police under the authority granted by the Charter and Code of Laws of the Metropolitan Government and the law of the State of Tennessee.
  - 2. When there is sufficient reason to believe the continued exercise of police authority, or physical presence of the employee, may be detrimental to the department, to the safety of anyone, or is in the best interest of the department, the employee, or both, the Chief of

Police, or authorized designee, may decommission an employee in order to limit or restrict the duties and exercise of police authority by a sworn employee, and/or reassign an employee until the circumstances that gave rise to the decommissioning and/or alternate duty assignment have been resolved.

3. Any supervisor may temporarily decommission an employee for the reasons stated herein. Such action will be subject to the review of the Chief of Police.

#### B. Decommission

Decommissioning, or removal of police authority, is not a disciplinary action. It is an administrative restriction on the ability of an employee to exercise police authority.

1. Decommissioning when in the best interest of the department and/or employee.
  - a. There are a variety of other situations that necessitate the decommissioning of an employee. These would include, but are not limited to:
    - (1) Situations where an employee's ability to meet the statutory requirements of a law enforcement officer are temporarily affected (Tenn. Code Ann. §38-8-101, et al)
    - (2) Situations in which an employee is experiencing emotional or mental difficulties; and/or
    - (3) Situations in which an employee may have some physically limiting condition or otherwise medically restricted from performing the duties of their assignment.
  - b. Due to the many and various circumstances these situations may present, each must be evaluated on a case-by-case basis to determine the course of action that best serves the interests of the department and/or the employee.

#### 2. Decommissioning to Prevent Further Allegations of Misconduct

The department has a responsibility to its employees and to the public it serves to fully investigate allegations of misconduct and to reduce the likelihood that allegations of additional improper conduct occurred while an investigation is ongoing. Therefore, employees may be decommissioned in situations in which an employee is

under internal or criminal investigation or to reduce the possibility of additional allegations of misconduct during an ongoing investigation.

3. Due to the many and various circumstances these decommission situations may present, each must be evaluated on a case-by-case basis to determine the course of action that best serves the interests of the department and/or the employee. The duration of any decommission is at the discretion of the Chief of Police and shall generally extend until the circumstances that gave rise to the decommission have been resolved.

#### 4. Relief from Duty

- a. There are a variety of other situations where, the best interest of the employee and/or department, an employee should be relieved from their normal duty assignment or relieved from a field duty. These shall include, but are not limited to:
  - 1) Situations where the employee's use of force results in a death or serious bodily injury;
  - 2) Situations where the employee was involved in an incident which resulted in a fatality or serious bodily injury; and/or
  - 3) Situations where an employee may have witnessed or been involved in a critical or traumatic incident.
- b. The duration of this relief from duty and/or administrative or temporary assignment should be based upon an evaluation of the needs to facilitate the investigative process, the need to obtain post incident debriefing or counseling, and the overall specific issues unique to the facts and circumstances of each incident. Due to the many and various circumstances these situations may present, each must be evaluated on a case-by-case basis to determine the course of action that best serves the interests of the community, the department and/or the employee. A relief from duty alone does not require decommission

#### C. Alternate Duty Assignment

When there is sufficient reason to believe an employee's continued physical presence, may be detrimental to the department, to the employee, the safety of anyone, or is in the best interest of the department, the Chief of Police may reassign a departmental employee until the circumstances that gave rise to the reassignment have been resolved.

#### **4.60.030 Procedural Issues**

##### **A. Procedures for Decommissioning an Employee**

Supervisors who decommission an employee shall adhere to the following guidelines:

1. Except in emergency circumstances, the decommissioning supervisor shall discuss such action with the employee's Precinct/Division Commander and Bureau Commander before taking action. In the event an employee is decommissioned while under investigation, or is decommissioned by a supervisor for an emergency, the decommissioning supervisor shall immediately notify the employee's Precinct/Division Commander, Bureau Commander, and the Chief of Police.
2. Should the decommissioning supervisor be from outside the employee's regular chain of command, the appropriate supervisors shall be notified by the most expeditious means.
  - a. When a supervisor other than the affected employee's supervisor has initiated decommissioning of an employee, that supervisor shall determine the location of the affected employee's assignment and cause a supervisor in the employee's chain of command to be notified as soon as possible.
  - b. When appropriate, the affected employee's supervisor shall respond and take appropriate action.
3. As a result of the decommissioning, the employee's departmentally issued credentials (badge, police identification, etc.) and issued weapons are to be removed from the employee's possession. An exception may be made to the above regarding the employee's access card. The access card may be retained if needed for access to assigned work areas
  - a. A supervisor senior in rank to the decommissioned employee shall take possession of these items.
  - b. Depending upon the situation, the supervisor may request a second supervisor be present to act as a witness, or assist with the collections of these items.

- c. The items taken from the employee, excluding vehicles and weapons, shall be secured by the precinct /division commander of the decommissioned employee.
  - d. All departmentally issued firearms shall be secured at the training academy.
  - e. Failure of the decommissioned employee to relinquish all departmentally issued firearms, badges, identification cards, vehicle, and other applicable issued equipment is a violation of this policy. *(Category varies by severity of the conduct)*
4. The decommissioned employee shall also be instructed that he/she is prohibited from carrying or displaying any duplicate badge or other identification that may identify the employee as a police officer.
5. The decommissioning supervisor shall, upon receipt of the above items, prepare an MNPDP Form 12, Decommission Notice, with the affected employee's signature, certifying (i) the employee is aware he/she has been decommissioned, (ii) has provided the employee with a copy of the current policy on relief from duty, decommission, and/or administrative assignment and (iii) listed the items and identification numbers of any equipment surrendered.
- a. The original shall be maintained and tracked in the Police Human Resources Division; a copy will be given to the employee, the employee's Bureau Commander, the Office of Professional Accountability (OPA), and to the Chief of Police.
  - b. Copies shall be delivered by the most expeditious means.
6. It shall be the responsibility of the immediate supervisor of the decommissioned employee to monitor incoming subpoenas and to notify the District Attorney's Office once a new subpoena is received for such an employee. The District Attorney's Office shall then make the determination if the employee should appear on the scheduled date. Reference current departmental policy governing Court Appearance.
7. Upon notification that an employee has been decommissioned or placed into an alternate duty assignment, the MNPDP Information Technology Division Commander shall ensure all network access of the decommissioned employee is suspended until further notice. If a business need exists for some part of the decommissioned employee's access to be restored, the Precinct/Division

Commander of the decommissioned employee shall notify the MNPD Information Technology Division Commander to arrange appropriate or restricted access.

**B. Required Notifications**

1. When an employee is decommissioned or placed on Alternate Duty Assignment with restricted access or limited police authority, the supervisor causing such action shall ensure the following departmental elements are immediately notified:
  - a. The Chief of Police and the Deputy Chiefs of Police,
  - b. The supervisor of the MNPD Human Resources Division,
  - c. The Director of the MNPD Training Academy,
  - d. The Director of the Office of Professional Accountability,
  - e. The Police Legal Advisor,
  - f. The Director of the Behavioral Health Services Division,
  - g. The Director of MNPD Fiscal Affairs Division,
  - h. The Director of the MNPD Information & Technology Division,  
and
  - i. The supervisor of the Court Appearance Section, and
  - j. The supervisor of the Secondary Employment Unit
2. Notification shall be made utilizing the departmental email system. Email notifications shall be made regardless if notification was initially made via phone. The notifications shall include:
  - a. the decommissioned/alternate duty assignment employee's name,
  - b. employee number,
  - c. regular duty assignment,
  - d. alternate duty, if applicable,



- e. specific access restrictions, including buildings, property, media servers, weapons and/or vehicles;
- f. a brief summary of the reason for decommissioning or alternate duty assignment (suspension, administratively assigned to other duties, etc.); and
- g. any information regarding medical or other confidential information, which shall be forwarded **only** to those recipients wherein an appropriate business need exists for such information.

C. Administrative Procedures

- 1. A decommissioned employee may be alternately assigned to work hours, days off, and/or assignments that may differ from his/her regularly assigned duties. The employee will be expected to perform job-related obligations; e.g., court attendance, appearance in connection with departmental investigations, and other official matters.
- 2. An employee, decommissioned and placed on an alternate assignment to an approved location, ***shall remain at the assigned location, be available by telephone, and be able to respond to their Division/Precinct, Deputy Chief's office, or Chief of Police's office within one hour notice between the hours of 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m. Monday through Friday. (General Business Hours)***

*(Violation of this provision shall be a Category B Offense)*

D. Decommissioned Employee Status Change

- 1. If the decommissioned employee is the subject of a criminal charge or indictment, department disciplinary action procedures delineated in current departmental policy governing discipline and corrective action shall be followed.
- 2. A decommissioned employee who wishes to change his/her status of employment; e.g., resignation, must do so in writing to a member of his/her chain of command. Any member so notified shall notify their Precinct/Division Commander or Bureau Commander within twenty-four hours of receipt of such notification.

3. Before the reinstatement of a decommissioned employee, the Chief of Police shall forward a MNPDP Form 12A, Reinstatement Notice to the concerned employee's chain of command.
  - a. This notice should include any and all restrictions placed upon the reinstated employee.
  - b. Copies of all status changes; e.g., reinstatement, automatic suspension, or termination will be forwarded to the concerned employee's chain of command and the MNPDP Human Resources Division.

**E. Alternate Duty Assignment**

1. An alternate duty assignment, as described herein, is not considered corrective/disciplinary action.
2. Due to the gravity of these types of decisions, a determination shall be made by the Chief of Police, or the employee's Bureau Commander in consultation with the Chief of Police, as to whether or not the employee will be placed on an alternate duty assignment.
3. When so notified, Division/Precinct Commanders shall coordinate with the employee's Bureau Commander regarding all restricted assignment decisions.
4. When an employee is placed on an alternate duty assignment, the Division/Precinct Commander shall immediately determine if any of the following departmental equipment has been or should be surrendered by the employee and secured:
  - a. The employee's departmentally issued credentials (badge, police identification, etc.);
  - b. Any departmentally owned or issued weapons;
  - c. The employee's security/access card;
  - d. Any vehicle keys;
  - e. Any office keys;
  - f. Any department issued computers and/or related equipment;  
and
  - g. Any departmentally owned or issued vehicles.

*Note: The above-mentioned procedure does not preclude Division/Precinct Commanders from securing additional equipment and/or items from the employee as deemed appropriate.*

5. Restrictions while on an alternate duty assignment shall include, but are not limited to:
  - a. The employee will not conduct department business unless directed by their supervisor.
  - b. Until notified otherwise, the employee is not to involve themselves in any law enforcement activities, excluding response to court subpoenas. Any coordination of such court related responsibilities will be handled through the Inspections Division Court Appearance Section supervisor.
  - c. The employee will utilize accumulated sick leave for medical appointments. The employee's supervisor must approve sick leave and annual leave usage.
  - d. Any previously approved secondary employment request(s) are hereby rescinded. Requests to engage in secondary employment while decommissioned or on alternate duty status may be submitted via MNPD 150, Secondary Employment Request Form. Only requests for non-police related employment will be considered.
  - e. Employees on an alternate duty assignment are not to appear at any department facility without official authorization from their Precinct/Division Commander.
  - f. Employees on an alternate duty assignment shall adhere to the standard operating procedures of the division to which they are alternately assigned.
  - g. If the employee has any questions regarding his/her assignments or expectations, he/she shall direct those questions to the immediate supervisor of the component to which they are assigned.

*(Violation of provisions outlined in sections a-j above shall vary by severity of the offense)*

**F. Decommissioned Employee Restrictions**

1. A decommissioned employee shall:
    - a. Not bring any firearm onto Metropolitan Government owned or controlled property at any time;
    - b. Not carry or display any duplicate badge or other identification indicating he/she is a law enforcement officer;
    - c. Not represent his/herself as a law enforcement officer in any situation;
    - d. Not perform in any official law enforcement capacity except by subpoena or court order; and
    - e. Notify their immediate supervisor of any existing and/or new subpoenas received while they are decommissioned or suspended.
  2. Due to restrictions on duties and the exercise of law enforcement authority of decommissioned personnel, no law enforcement authority shall be exercised unless specifically authorized by the Division/Precinct Commander or the Commander of any other component assigned.
  3. Additionally, any exercise of law enforcement duties specifically approved by the Division/Precinct Commander shall be given the same effect as if the sworn employee was fully commissioned.
- G. Reinstatement of Decommissioned Employees
1. The Chief of Police or Designee must authorize the reinstatement of any decommissioned employee or any employee placed on Administrative Assignment.
  2. When a decommissioned employee or any employee placed on Administrative Assignment is reinstated to regular duty status, the office of the Chief of Police shall make the following notifications:
    - a. The Chief of Police and Deputy Chiefs of Police,
    - b. The employee's Precinct/Division Commander
    - c. The Commander/Director of the MNPd Human Resources Division,

- d. The Commander/Director of the MNPD Training Academy,
  - e. The Commander/Director of the Office of Professional Accountability,
  - f. The Police Legal Advisor,
  - g. The Commander/Director of the Behavioral Health Services Division,
  - h. The Commander/Director of the MNPD Fiscal Affairs Division,
  - i. The Commander/Director of the MNPD Information & Technology Division, and
  - j. The Commander/Director of the Court Appearance Section.
3. Notification shall be made utilizing the departmental email system. Email notifications shall be made regardless if notification was initially made via phone. The notifications shall include:
- a. the employee's name,
  - b. employee number,
  - c. regular duty assignment,
  - d. alternate duty assignment if applicable,
  - e. removal of specific access restrictions including buildings, property, media servers, weapons and/or vehicles; and
  - f. any information regarding medical or other confidential information, which shall be forwarded **only** to the MNPD Human Resources Division. Such information shall not be included in other notifications. The MNPD Human Resources Division shall make the determination of distribution of confidential information.

## 4.70 WORKPLACE CONDUCT

### 4.70.010 Purpose

Employees of the Metropolitan Government should not be exposed or subjected to abusive behavior from other employees. Employees found to be engaging in such conduct shall be subject to corrective and/or disciplinary action. Supervisors may also be subject to corrective action or discipline if they learn of abusive conduct in their workplace and fail to take appropriate action.

### 4.70.020 Definitions:

For purposes of this policy, the following definitions apply:

**A. Abusive conduct:** Behavior that creates an intimidating environment likely to interfere with an individual's work. This conduct can be verbal, visual, physical, or communicated in writing or electronically. Such conduct is typically directed against a particular individual or individuals. It includes, but is not limited to:

1. Situations in which one person has authority over another and engages in conduct that unfairly exploits the power inherent in a supervisor's position.
2. Repeated threatening or intimidating behavior or words (written or oral);
3. Repeated use of obscenities, profanity, epithets, gestures or cartoons directed at a person or group;
4. Repeated degrading of a person or a group on the basis of personal characteristic(s);
5. Repeated taunting, jeering, mocking, or humiliating another person through acts or words;
6. Repeated screaming and/or yelling at or around others;
7. Insulting someone, especially in the presence of others;
8. Endangering the safety of an individual or individuals; and/or
9. Sabotaging or undermining an employee's work performance.

**B. Retaliation:** Conduct that adversely affects another's terms or conditions of employment and has the effect of harming a person for filing a complaint or for participating in an investigation. Retaliation can take many forms. Examples include but are not limited to:

1. A threat of transfer or reassignment of work duties;
2. A threat of the loss of one's job, salary level, or tangible benefits related to one's job.

**C. Supervisor:** The person in an employee's chain of command having departmental authority to:

1. Direct the employee's work;
2. Approve or deny leave requests;
3. Conduct the employee's performance evaluations; and/or

4. Counsel, correct, discipline and recommend termination of employment.

#### **4.70.030 Guidelines**

- A.** In considering a complaint under this policy, it shall be understood that abusive conduct must be distinguished from behavior that is appropriate to the carrying out of certain supervisory or instructional responsibilities. Examples of conduct that demonstrates the non-abusive exercise of managerial prerogative and which should not be considered as abusive include but are not limited to:
1. Routine coaching and counseling, including feedback about and correction of work performance;
  2. Reasonable work assignments, including shift, post, and overtime assignments;
  3. Disciplinary procedures in accordance with adopted rules of the Civil Service Commission;
  4. Individual differences in styles of personal expression;
  5. Passionate, loud expression with no intent to harm others;
  6. Differences of opinion on work-related concerns;
- B.** Cadets/Trainees  
Abusive behavior shall not be a part of MNPd academy training program. However, this policy recognizes that loud and/or repetitive instructions from a trainer may be part of an acceptable teaching method. Such training methods are a generally accepted practice for quasi-military type training programs where stress is injected into the training atmosphere to prepare the trainee for real-world events and conditions. Further, loud or repetitive instructions may be necessary in a life-threatening/public safety situation wherein immediate action and/or compliance is necessary (for example, in a facility evacuation due to a bomb threat or active killer).
- C.** The fact that someone did not intend to be abusive is generally not considered a sufficient defense to a complaint. In most cases, it is the effect of the behavior on the complainant and whether a reasonable person would find the conduct abusive that determines whether the behavior was abusive. Generally acceptable business conduct may help to gauge the reasonableness of the behavior.
- D.** A single act generally will not constitute abusive conduct, unless such conduct is determined to be severe and egregious.

#### **4.70.040 Reporting**

- A.** Any employee who feels he or she has been subjected to abusive conduct, or any employee who believes abusive conduct has been perpetrated by one or more employees toward one or more co-workers, shall report the matter to any of the following:
1. A supervisor including his or her supervisor;
  2. The MNPd Office of Professional Accountability;
  3. The Commander of MNPd Human Resources Division; or

#### 4. The Chief of Police.

- B.** Employees should not feel obligated to report their complaints to their immediate supervisor first before bringing the matter to the attention of one of the representatives identified above; especially if the abusing subject is the reporting individual's immediate supervisor.
- C.** Unless a threat of personal or professional harm has caused an employee to delay reporting abusive conduct, a report of abusive conduct should be made within sixty (60) calendar days of the date of the conduct giving rise to the report.
- D.** A complaint of Abusive conduct or retaliation may be filed according to the following procedures:

##### 1. Filing a Complaint with a Supervisor

- a. When any supervisor is notified of a complaint, that supervisor shall meet with the employee and document the complaint in writing to include, but not limited to:
  - i. The type of behavior;
  - ii. The person(s) performing or participating in the behavior;
  - iii. Any witnesses to the incident(s); and
  - iv. The date(s) on which it occurred.
- b. The department employee taking the complaint shall promptly submit a confidential memorandum, documenting the complaint, to the Chief of Police, with a copy forwarded to the complaining party's Bureau Commander and the Office of Professional Accountability.
- c. If the supervisor who is documenting the complaint is not in the chain of command of the complaining party, upon receipt of the confidential memorandum, the Chief of Police or his/her designee shall designate the appropriate party to conduct the investigation.
- d. Failure to take action regarding abusive conduct shall be grounds for disciplinary action.

##### 2. Filing a Complaint with the Commander of Human Resources Division

- a. When the Commander of the Human Resources Division is notified of a complaint, that Commander shall meet with the employee and document the complaint in writing to include, but not limited to:
  - i. The type of behavior;
  - ii. The person(s) performing or participating in the behavior;
  - iii. Any witnesses to the incident(s); and
  - iv. The date(s) on which it occurred.



- b. The Commander of the Human Resources Division shall promptly submit a confidential memorandum, documenting the complaint, to the Chief of Police, with a copy forwarded to the complaining party's Bureau Commander and the Office of Professional Accountability.
  - c. Upon receipt of the confidential memorandum, the Chief of Police or his/her designee will designate the appropriate party to conduct the investigation.
3. Filing a Complaint with the Chief of Police
- a. When a complaint is filed with the Chief of Police, the Chief or the Chief's designee shall investigate the complaint and take corrective action should the allegation(s) be sustained.
  - b. The Chief of Police may determine the complaint be sent to MNPd Human Resources Division, or The Office of Professional Accountability for investigation. If such decision is made, the Chief of Police or designee shall advise the reporting employee the departmental element conducting the investigation.

#### **4.70.050 Response to Complaint**

- A.** An investigation into any complaint shall be conducted as soon as practicable. All affected parties will be informed of the investigation's outcome.
- a. If a complainant is dissatisfied with the report's finding on the ultimate question of whether the conduct complained of violated this policy, they may appeal to the Chief of Police by making a written request for review within ten (10) calendar days of the date the investigative report was issued.
  - b. The decision of the Chief of Police shall be final.
  - c. Lodging a complaint of abuse is not proof of prohibited conduct. A complaint against an individual shall not be taken into account during a performance evaluation or consideration for targeting into a new position or promotion, unless a final determination has been made that the individual violated this policy.

#### **B. Retaliation**

It is a violation of this policy to retaliate against persons who report or make a charge of abusive conduct or to retaliate against those who testify, assist, or participate in any investigation involving a complaint. Any such retaliation, or any encouragement of another to retaliate, is a violation of this policy, independent of whether the underlying claim was substantiated.

**NOTE:** The decision to temporarily transfer or re-assign a complainant's work duties, as a protective measure, pending the outcome of an investigation, will ordinarily not be considered retaliation.

#### **C. False or Frivolous Allegations**

Accusations of abusive conduct typically have injurious and far-reaching effects on the careers and lives of accused individuals. Therefore, allegations must be made in good

faith and not out of malice. Knowingly making a false or frivolous allegation will not be tolerated and will subject the employee making such a report to disciplinary action.

- D.** Should the investigation conclude a MNPd employee has violated policy by displaying abusive conduct, such violations shall be processed and sanctioned in accordance with current policies on Discipline and Corrective Action (MNPd Department Manual 4.10) and Deportment and Personal Appearance (MNPd Departmental Manual 4.20).

## **Title 5: Criminal Process**

The purpose of this policy is to designate uniform procedures for conducting search and seizures without a search warrant, the execution of criminal processes, and arrests without a warrant. The information contained in this policy is consistent with the information disseminated by the Training Division. However, when in doubt about a particular search situation, officers are encouraged to seek advice from the Legal Advisor, Davidson County District Attorney's Office, or Case Preparation Division personnel. Any search, seizure, or arrest without a warrant must be justified and supported by clear, convincing, and articulable facts. The information set forth in this policy is intended to be a general guide in the area of criminal process and in no way is it an in-depth coverage of this subject. In the event of any conflict between this policy and any statute, court opinion or other rule of law, the latter will be controlling. Further, in the event any statute, court opinion or other rule of law provides greater authority to a law enforcement officer than is stated in this policy, the former will be controlling.

It shall be the policy of the Metropolitan Nashville Police Department that all searches, seizures, and arrests be conducted based upon a proper warrant whenever appropriate under the circumstances. Searches and/or seizures that have not been reviewed and authorized by judicial personnel will be executed as established according to the procedures set forth in this policy.

For purposes of Title 5, the following definitions shall apply:

- A. **Arrest:** The apprehension or detention of the person of another in order that he or she may be forthcoming to answer for an alleged crime.
- B. **Arrest Warrants:** A warrant of arrest is an order in writing stating the substance of the complaint, directed to a proper officer, signed by a judge or commissioner and commanding the arrest of the defendant.
- C. **Body Cavity Search:** An inspection, probing or examination of the inside of a person's anus, vagina or genitals for the purpose of determining whether such person is concealing evidence of a criminal offense, a weapon, a controlled substance or other contraband.
- D. **Capias:** A judicial writ, which requires an officer to take the body of the defendant into custody.

- E. **Criminal Process:** Shall include all state arrest warrants, state capiases, and search warrants issued for the arrest of persons and search of places located within Nashville, Davidson County, Tennessee. Criminal process shall also include arrests made without a warrant and state misdemeanor citations.
- F. **Eviction:** An action taken by a landlord, owner, lessor, agent or employee to dispossess or deprive a tenant or lessee by process of law the possessions of lands which the tenant or lessee has held.
- G. **Juvenile or Minor:** An un-emancipated person under the age of eighteen.
- H. **Legend drug:** Any drug specified by federal law that cannot be dispensed without a prescription from a licensed doctor, dentist, or veterinarian.
- I. **Lessee:** One to whom a lease, written or verbal, is given; a tenant or occupant. The lessee can reside with or without compensation being made to a landlord.
- J. **Manage:** To control and direct, to administer, to take charge of. For the purpose of this order manage will refer to any person(s) who manages or controls any building, room, or enclosure. This is either as an owner, lessor, agent, or employee who shall knowingly rent, sublease, or make available for use, with or without compensation, any building room or enclosure.
- K. **NOTICE:** As used herein; a written NOTICE given by MPD personnel to an owner, lessor, agent or employee to evict a tenant or occupant for a violation of Metro Code - Section 11.12.060.
- L. **Order of Protection:** An order of protection is an order of a civil court which is issued after a hearing filed by a petitioner (as defined by T.C.A. § 36-3-601) which sets forth the specific orders of the court for the protection of the petitioner, and is enforceable by police officers without an arrest warrant. (Reference current department policy. Note: Special precautions relevant to ex-parte orders of protection)
- M. **Parent:** Any person having legal or physical custody of a juvenile.
- N. **Personal Service:** Is that service of the NOTICE. Service is made by delivering said NOTICE to the person named on the NOTICE. This delivery is done in person.

- O. **Private Place:** Any place that is privately owned and includes, but is not limited to buildings, motels, apartment complexes, trailer parks, railroad property, private schools, real property, and other similar areas not open to public use.
- P. **Public Place:** Any place to which the public or a substantial group of the public has access.
- Q. **Reasonable Suspicion:** A level or standard of proof that is less than probable cause but more than a mere hunch or belief. Reasonable suspicion must be based on specific and articulable facts, which taken together with rational inferences from those facts, reasonably warrant an officer to believe that criminal activity is afoot.
- R. **Search Warrant:** A search warrant is an order in writing in the name of the state, signed by a judge, directed to any peace officer of the county, commanding him/her to search for personal property and bring it before the court.
- S. **Service:** The delivery of a NOTICE by an authorized officer, to a landlord, owner, lessor, agent, or employee who is thereby officially notified of some action or proceeding in which he/she is concerned, and is thereby advised of some action that he/she is commanded to take.
- T. **Tenant:** One who holds or possesses lands or tenements by any kind of right or title.

## **5.10 Search Warrants**

### **5.10.010 Authority to Issue Warrant**

A search warrant may be issued by a magistrate with jurisdiction within the county wherein the property sought is located, upon request of the district attorney general, assistant or criminal investigator, or any other law enforcement officer.

### **5.10.020 Property Which May be Seized with a Warrant - A warrant may be issued to search for and seize any of the following:**

- A. Evidence of a crime;
- B. Contraband, the fruits of a crime, or items otherwise criminally possessed;
- C. Property designed or intended for use, or that has been used in a crime;
- D. A person whose arrest is supported by probable cause; or

- E. A person who is unlawfully restrained.

#### **5.10.030 Search Warrant Application**

- A. Within the MNPd, only sworn employees may apply for a search warrant. Such employees shall ensure compliance with Tennessee law and all applicable MNPd policies and procedures.
- B. Applications for search warrants shall be reviewed by a sworn supervisor prior to submission to a magistrate or judge for review and approval. Supervisors, in reviewing search warrants, are encouraged to use the resources available across the department (e.g. supervisors in SID, CID, CSU, Case Preparation, Police Legal Advisor, or, if assisting with the case, assistant district attorney).
- C. Search warrant applications should generally be presented to the Judges of the General Sessions and Criminal Courts. In the event a judge cannot be located and a delay to find a judge would impair the investigation, commissioners/magistrates assigned to Night Court may be utilized.
- D. Search warrants presented to a judge or magistrate for review and approval, and such approval is denied, shall be reviewed by Case Preparation or the Police Legal Advisor prior to submission to a different judge or magistrate.

#### **5.10.040 Execution and Return with Inventory**

- A. The search warrant may only be executed by the officer, or one of the officers, to whom it is directed. Other persons may aid such officer at the officer's request, but the officer must be present and participate in the execution.
- B. If, after notice of his or her authority and purpose, an officer is not granted admittance, or in the absence of anyone with authority to grant admittance, **the officer with a search warrant** may break open any door or window of a building or vehicle, or any part thereof, described to be searched in the warrant to the extent that it is reasonably necessary to execute the warrant and does not unnecessarily damage the property.
- C. The warrant must be executed within five days after its date.
- D. The officer taking property under the warrant shall give to the person from whom or from whose premises the property was taken a copy of

the warrant and a receipt for the property taken or shall leave the copy and receipt at a place from which the property was taken.

- E. The return shall be made promptly and shall be accompanied by a written inventory of any property taken.

The return, along with a copy of the search warrant and supporting affidavits shall be sent to Case Preparation who shall maintain such copies as a confidential open case. Case Preparation shall review the documents for training purposes and maintain an analysis which summarizes statistical information and such analysis shall not contain any confidential information.

#### **5.10.050 Search Warrant Tracking Form**

- A. Any time a member of the MNPd appears before a magistrate, seeking a search warrant, the Search Warrant Tracking form shall be completed. The link to the Search Warrant Tracking form may be found on the PDWeb under Forms.
- B. The Search Warrant Tracking form shall be completed:
  - 1. Following the execution of the search warrant;
  - 2. At the point it is determined the search warrant, although granted by the magistrate, will not be executed (e.g., expired, stale, etc.); or
  - 3. Following the denial of a search warrant by a magistrate.
- C. A Search Warrant Tracking form shall be completed each time a new search warrant is sought, even if they are related to the same case, involve the same suspect, or are for the same location.
- D. All applicable blanks of the Search Warrant Tracking form shall be completed fully and accurately. The form should be completed in a timely manner, and no later than upon filing of the search warrant return with Criminal Court Clerk's Office.
- E. The Search Warrant Tracking database shall be maintained as a confidential record. Access to the Search Warrant Tracking database shall be limited to those persons with an established business need; as approved by the Chief of Police, Deputy Chief or the commander of Professional Standards Division.

## **5.20 Warrantless Searches**

### **5.20.010 Authority**

Officers have the authority to conduct searches and make seizures without a warrant under certain circumstances. These circumstances include but are not limited to:

- A. Searches by consent;
- B. Stop and frisk of individuals;
- C. Vehicle searches based on:
  - 1. Mobility;
  - 2. Incident to a lawful custodial arrest; or
  - 3. An inventory, or caretaking provision, as it relates to impounded vehicles.
- D. Emergency searches;
- E. Abandoned property;
- F. Searches incident to lawful arrest;
- G. Strip searches;
- H. Plain view seizures; and/or
- I. Open field searches.

### **5.20.020 Searches by Consent**

- A. Officers may conduct a search of a person or property by obtaining prior consent. The consent must be voluntarily given, and that voluntary consent must be shown to be unequivocal, specific, and intelligently given, uncontaminated by duress or coercion. The consent must be proven to be voluntarily given by a preponderance of the evidence and is never lightly inferred by the courts. The prior consent must be obtained from the person or persons with authority to give a valid consent. Consent need not be in writing and a refusal to give written consent may still permit a valid oral consent.
- B. Officers should make an informed evaluation of the relevant facts and circumstances of the situation; consider the scope of the particular intrusion, the manner in which it is conducted, and the time and place in which it is conducted when making a determination that it is reasonable to request consent.
- C. Current consent to search forms available for use are, MNPDP Form 262, Consent for a Search of Premises, MNPDP Form 263, Consent for Physical Samples, MNPDP Form 264, Consent for Fingerprints and Photographs, and MNPDP Form 265, Consent to Search a Vehicle.



**Note:** It is strongly recommended that consent searches only be conducted with written consent, using the proper departmental form. If the individual indicates that they will consent to a search but are refusing to sign the form, fill out the form anyway and indicate "consented to search but refused to sign," inserting initials and the signature of any witness in the signature block.

#### 5.20.030 Stop and Frisk of Individuals

- A. Officers may stop a person or persons when the officer has specific and articulable facts that rise to the level of reasonable suspicion of criminal activity, past, present, or future. Generally stated, reasonable suspicion is a less demanding standard than probable cause. The officers should identify themselves as police officers when conducting the stop.
- B. Further, if there is reasonable suspicion the person is armed and dangerous, a frisk of the person is authorized. Such a frisk (a limited search) is not meant to discover evidence of a crime and generally is limited to what is necessary to protect the investigating officer. If the frisk or pat down goes beyond what is necessary to discover a weapon, it will likely be ruled to be invalid. However, if a suspected weapon can be felt through the outer clothing, it may be seized. Any further search or intrusion must proceed on the higher standard of probable cause. The frisk or "patting down" **must be limited** to that which is necessary for the discovery of weapons.

#### 5.20.040 Vehicle Searches

- A. Mobility of Vehicles
  - 1. Officers may conduct an immediate search of a movable vehicle when the officer has established probable cause to believe that contraband or evidence of a crime is present in the vehicle. **The probable cause established must be as sufficient as that which would support obtaining a search warrant. Unless exigent circumstances exist, a warrant should be sought.**
  - 2. There is a presumption of mobility and exigent circumstances if the vehicle is stopped on a highway or other area open to the public. In other situations, the officer must demonstrate the mobility and exigent circumstances with specific and articulable facts. The officer is not required to obtain a search warrant when, due to the mobility of the vehicle, an immediate search is necessary. However, articulable probable cause for the search must be established before the search commences. Probable cause to

search exists where the facts and circumstances within the officer's knowledge, of which he/she has reasonable trustworthy information, are sufficient in themselves to warrant a person of reasonable caution to believe that contraband or evidence can be found in a particular place.

3. The United States Supreme Court has ruled that police officers who have legitimately stopped an automobile, and who have probable cause to believe that contraband is concealed somewhere within it, may conduct a warrantless search of the vehicle. This search can be as thorough as a magistrate could authorize by warrant.

**B. Vehicle Search Incident to a Lawful Custodial Arrest**

1. Persons under a lawful custodial arrest may be searched completely including clothing, purses, wallets, and even extending to containers, premises, and vehicles in certain instances.
2. The search incident to arrest of a motor vehicle when a recent occupant is taken into custody may only take place when the following apply:
  - a. An actual and continuing threat to the officer's safety is posed by an arrestee, or
  - b. At the time of the search, the arrestee is unsecured and within reaching distance of the passenger compartment; or
  - c. It is reasonable to believe the vehicle contains evidence of the offense of arrest.
3. Pursuant to a search outlined immediately above, officers may also examine the contents of any unlocked containers found within the passenger compartment. A "container" is defined as being any object capable of holding another object. This includes closed or open glove compartments, consoles, or other receptacles located anywhere within the passenger compartment, as well as luggage, boxes, bags, clothing, or other similar objects. This does not include locked containers or a separate trunk area. The scope of any such searches is limited by the item(s) lawfully being searched for.

### C. Vehicle Inventory Procedures

Officers will conduct an inventory of impounded vehicles or property. In order for an inventory to be valid, such impoundment must be justified and consistent with the department's policy on vehicle impoundment. Special attention should be given to the reasonable alternatives to towing:

1. When a vehicle is in lawful custody, an officer is authorized to inventory the contents of that vehicle so as to protect:
  - a. The owner/operator's property; and
  - b. The officer and the department from unfounded claims that may result in liability to owners/operators who make claim that property was taken or damaged while their vehicle was in custody; and
  - c. The officer and others present from dangerous materials.
2. A vehicle inventory is permitted without a warrant or the consent of the operator/owner of the vehicle. The extent of the inventory depends upon the circumstances which caused the vehicle to be in custody:
  - a. If due to a parking violation, or other circumstances where access to the interior of the vehicle is limited, a cursory survey will be made of the areas exposed to "plain view", or accessible to a thief (e.g. over sun visors, under front seat, unlocked glove box, other "unlocked" areas and containers), and items of apparent value shall be itemized on applicable reports, and protected as each item demands and circumstances permit.
  - b. When keys to the vehicle are present, in addition to the scope of the survey detailed above, the inventory will be extended to areas made accessible by the keys (i.e. locked glove box and trunk) and any "unlocked" container(s) located therein. In either case, the inventory should be limited to areas where personal items would reasonably be stored.
  - c. The officer may properly open closed containers when necessary to make a realistic and meaningful inventory.
  - d. The inventory does not extend to a locked container.

**IMPORTANT: The inventory of a vehicle should not be construed as limiting any other lawful search.**

### 3. Alternative to Impoundment

Alternative actions to vehicle impoundment are outlined in the current written directive on Vehicle Impoundment.

#### 5.20.050 Emergency Searches

Officers have a limited privilege to make a warrantless search. Officers may conduct a search of a vehicle or a building when the officer has reasonable grounds to believe it is necessary to save life or prevent injury or serious property damage. However, the officers must have reasonable grounds to believe there is an emergency at hand and an immediate need for their assistance in the protection of life or property. The search cannot be primarily motivated by an intent to arrest and seize evidence, and there must be some reasonable basis to associate the emergency with the area to be searched.

**NOTE: The exigent search must be for a true emergency and should be used with extreme caution. Although it is a search warrant exception, courts strictly examine its use. The exigent circumstances, granting the privilege to enter and search, cannot be created by the officer or other governmental agency.**

#### 5.20.060 Abandoned Property

Abandonment can occur as to premises, vehicles, or possessions. When a person disclaims ownership, they have no legal standing to later complain of a search, because any privacy interest has been abandoned with the property.

#### 5.20.070 Searches Incident to Arrest

- A. Officers shall conduct a search of a person or persons placed under custodial arrest. The search may extend to the immediate area of the arrestee and may be for weapons, evidence, or means of escape. The issuance of a misdemeanor citation is not considered an arrest for purposes of the search incident to arrest warrant exception.
- B. A search incident to arrest is permissible after any lawful custodial arrest. There are two valid purposes for conducting searches incident to arrest:

1. To protect the officer and other persons in the vicinity from any dangerous items in the possession of the person arrested; or
  2. To prevent the destruction of evidence within the reach of the arrestee.
- C. The scope of the search extends to the immediate areas from which the arrestee might obtain a weapon or evidentiary items.

#### **5.20.080 Strip Searches**

- A. Strip searches are to be restricted and shall always be reviewed with the greatest of scrutiny.
- B. **Tennessee Code Annotated Section 40-7-119 restricts such searches by police with the following language:**
- “As used in this section, "strip search" means having an arrested person remove or arrange some or all of the person's clothing so as to permit a visual inspection of the genitals, buttocks, anus, female breasts or undergarments of the arrested person. No person arrested for a traffic, regulatory, or misdemeanor offense, except in cases involving weapons or a controlled substance, shall be strip searched unless there is reasonable belief that the individual is concealing a weapon, a controlled substance, or other contraband.”**
- C. It shall be the policy of this department that if an arrestee can be reasonably secured, without danger to the officer, that such a search, when deemed to be necessary, be conducted by an officer of the same sex and in an area not easily viewed by the public.
- D. Unless immediate action is necessary for the safety of officer(s) present, the public, or to prevent the destruction/tampering of evidence, prior to any strip search, the employee's immediate supervisor shall respond to the scene to evaluate the circumstances surrounding the request to perform a strip search and make a determination whether such a search is warranted.
- E. All strip searches shall be documented by all employees involved in the search process by completing MNPD Form 104, Supplemental Report. The following information should be included in the Supplement Report: who directed the search, the level of proof attained before the search, what evidence, if any, resulted from the search, who was present during the search, the name of the supervisor approving the search, as well as any other pertinent information.

- F. In addition to the requirements set forth herein, strip searches involving juveniles should adhere to the following provisions:
1. Prior to any authorization for a strip search of a juvenile, reasonable effort must be made to use other less intrusive means such as pat searches, clothing searches, or electronic metal detection devices;
  2. Any strip search involving a juvenile shall be conducted only after having consulted with the on-duty Field Supervisor and only with an MNPDP supervisor on the scene as required by 5.20.080 (D);
  3. At least two MNPDP officers of the same gender shall conduct any strip search of a juvenile;
  4. A strip search involving a juvenile shall be performed in an area that ensures the privacy and reasonable comfort of the juvenile;
  5. MNPDP staff shall make a reasonable attempt to notify the juvenile's parent/guardian of the search as soon as it is practical; and
  6. Any strip search involving a juvenile shall be documented as required by 5.20.080 (E) and shall be forwarded through the chain of command for review.

#### **5.20.090 Body Cavity Searches**

- A. Body cavity searches are strictly regulated by T.C.A. § 40-7-121, which states in part that no person shall be subjected to a body cavity search by a law enforcement officer or by another person acting under the direction, supervision or authority of a law enforcement officer unless such search is conducted pursuant to a search warrant issued in accordance with Rule 41 of the Tennessee Rules of Criminal Procedure.
- B. The issue of whether a person subjected to a body cavity search consented to such search is irrelevant and shall not be considered in determining whether the search was a valid one under the provisions of this section, unless the consent is in writing on a preprinted form and contains the following language:

Waiver of Warrant Requirement and Consent to Search Body Cavities  
"I knowingly and voluntarily consent to have my body cavities searched immediately by law enforcement personnel in the manner provided by the laws of Tennessee. By signing this consent form, I knowingly and

voluntarily waive my right to require that a warrant be obtained from an appropriate judge or magistrate before my body cavities are searched.”

"I understand that a body cavity search may involve both visual and physical probing into my genitals and anus. I understand that I would not be prejudiced or penalized by declining to give my consent to be searched in this manner."

- C. A law enforcement officer who conducts, or causes to be conducted, a body cavity search in violation of this section, and the governmental entity employing such officer, shall be subject to a civil cause of action.
- D. Body cavity searches conducted pursuant to this section must be performed by a licensed physician or a licensed nurse.
- E. All body cavity searches will be documented by all employees involved in the process by completing MNPD Form 104, Supplemental Report. The following information should be included in the Supplement Report: who directed the search, the level of proof attained before the search, what evidence, if any, resulted from the search, who was present during the search, as well as any other pertinent information.

Copies of supplemental reports and any search warrant or consent forms will be maintained in the case file.

- F. [MNPD Form 268](#), which is a voluntary *Consent for a Body Cavity Search*, **cannot** be used with juvenile subjects.
- G. Supervisory approval is required before using [MNPD Form 268](#).

#### **5.20.100 Plain View**

Officers may seize any illegal contraband or evidence of a crime that is in “plain view”. However, each of the following elements must be satisfied before the “plain view” exception is satisfied:

- A. The item must be in plain view. The officer may not manipulate the item in order to obtain a better view;
- B. The officer must have the legal right to be in the particular place to view, as well as to seize, the item; and
- C. The incriminating nature of the object(s) must be immediately apparent to the officer, i.e. the officer must have probable cause to believe that the object(s) has/have evidentiary value.

### **5.20.110 Open Field Searches**

Officers may seize any contraband or evidence of a crime from an open field. The contraband or evidence must be located in an “open field”, where it is clear that whomever possesses the items have no reasonable expectations that the items will be free from the public’s view and the possessors can have no reasonable expectations of privacy. The U.S. Supreme Court has stated in numerous cases that the Fourth Amendment does not protect “open fields”. The courts have distinguished “open fields” from a Fourth Amendment protected area known as the “curtilage”. According to the U. S. Supreme Court, “curtilage” is any land immediately surrounding and associated with the home. In order to determine “curtilage”, the officer should consider the factors that determine whether an individual may reasonably expect that an area immediately adjacent to the home will remain private.

**NOTE:** Although the U.S. Supreme Court authorizes law enforcement to search “open fields” without a search warrant, great caution should be used. There is no clear definition or boundaries of “open fields” established by courts. What may appear to be an “open field” to an officer may be considered private by the owner and the court. Tennessee courts are generally more restrictive in their definition of the term “curtilage” and have held that “only the wild and wastelands” shall be considered open fields.

### **5.20.120 Crime Scene Searches**

There is no “crime scene” exception to the search warrant requirement. Any seizure of evidence, whether at a crime scene or not, must be justified by a search incident to the execution of a search warrant, or the search and/or seizure must fit within one of the exceptions to the search warrant requirement.

### **5.20.130 Juvenile Provisions**

All departmental procedures, court opinions, rules of law and applicable statutes will be followed when dealing with juvenile suspects.



## **5.30 Metropolitan Development and Housing Authority Properties**

### **5.30.010 General Provisions**

- A. Any time it is necessary to enter the premises of any tenant on property controlled, owned or managed by the Metropolitan Development and Housing Authority, officers must obtain the proper warrant authorizing such an entry or the entry must be made pursuant to a recognized exception to the warrant requirement. Consent and exigent circumstances are the recognized exceptions to the requirement that a warrant must be obtained.
- B. Persons leasing or occupying property controlled by MDHA are entitled to the same constitutional protections as any other citizen leasing or occupying property owned or managed by a private entity. Ownership and/or management by a government agency does not in any way diminish the constitutional protection afforded the citizens occupying these premises. Further, MDHA does not have the authority to consent, on behalf of the tenant, to an entry of a tenant's premises.
- C. Therefore, entry into/onto the premises of any tenant of MDHA must be pursuant to a proper warrant or, in the alternative, one of the recognized exceptions to the warrant requirement. At no time will any officer attempt to circumvent these mandates by requesting MDHA personnel to use a passkey to make an entry.
- D. However, if a proper warrant has been issued or a valid exception to the warrant requirement exists, it is permissible to request MDHA personnel to use a passkey to facilitate an entry if the use of the passkey is to avoid unnecessary damage to property or to decrease the likelihood of harm to any person.
- E. Any officer requesting MDHA personnel to use a passkey to facilitate an entry will be required to complete and sign a MNPd Form 267, Unlock Request. By signing this request the officer is attesting that entry will be by constitutional means and that he or she is accepting responsibility for use of the passkey to make the entry.
- F. Likewise, the files maintained by MDHA on any of its tenants receive the same constitutional protection as the files of any tenant of any nongovernment entity. A search warrant will be required to obtain information from a tenant's file.

## **5.40 Arrests**

### **5.40.010 General Provisions**

- A. Arrest warrants and search warrants issued by legal authority shall only be executed by sworn law enforcement officers as provided in Tennessee Code Annotated.
- B. All sworn members of the Metropolitan Nashville Police Department are vested with the authority to execute all criminal warrants and capiases as well as to enforce orders of protection within Davidson County, Tennessee; however, all outstanding warrants, capiases, and orders of protection are maintained, processed, and filed by the Fugitive/Warrant Section.
- C. Metropolitan Nashville Police Officers have authority to make arrests and enforce all criminal process issued against persons and places located in Davidson County, Tennessee. The execution of criminal process in other counties of this state shall be the primary responsibility of the law enforcement officers with jurisdiction in that particular county, although the criminal process may have originated in Davidson County, Tennessee.
- D. A defendant arrested in one (1) county on an arrest warrant issued in another county for the commission of an offense for which the maximum punishment is imprisonment for ten (10) years or less is entitled to be admitted to bail in the county of arrest by the same officials and in the same manner as if arrested in the county issuing the warrant.

### **5.40.020 Grounds for Arrest by Officers Without a Warrant**

Metropolitan Nashville Police Officers may arrest a person without an arrest warrant, pursuant to TCA, in any of the following instances:

- A. For a public offense committed or a breach of the peace threatened in his/her presence;
- B. When the person has committed a felony, though not in the officer's presence;
- C. When a felony has in fact been committed, and the officer has reasonable cause for believing the person arrested has committed the felony;

- D. On a charge made upon reasonable cause of the commission of a felony by the person arrested;
- E. Who is attempting to commit suicide;
- F. At the scene of a traffic accident who is the driver of a vehicle involved in the accident when, based on personal investigation, the officer has probable cause to believe that the person has committed an offense under the provisions of Title 55, Chapters 8 and 10 of the Tennessee Code Annotated.

The provisions of this subdivision shall not apply to traffic accidents in which no personal injury occurs or property damage is less than one thousand dollars (\$1,000) unless the officer has probable cause to believe that the driver of such vehicle has committed an offense under T.C.A. § 55-10-401;

- G. Notwithstanding any other provision of law to the contrary, when a law enforcement officer responds to a domestic violence call, he or she shall comply with current department policy, which incorporates the provisions of this statute;
- H. Who is the driver of a vehicle involved in a traffic accident either at the scene of the accident or up to four (4) hours after the driver has been transported to a health care facility, if emergency medical treatment for the driver is required and the officer has probable cause to believe that the driver has violated T.C.A. § 55-10-401;
- I. When an officer has probable cause to believe a person has committed the offense of stalking, as prohibited by T.C.A. § 39-17-315;
- J. Who is the driver of a motor vehicle involved in a traffic accident, who leaves the scene of the accident, who is apprehended within four (4) hours of the accident, and the officer has probable cause to believe the driver has violated T.C.A. § 55-10-401;
- K. If a law enforcement officer has probable cause to believe that a person has violated one (1) or more of the conditions of release imposed pursuant to § 40-11-150, and verifies that the alleged violator received notice of the conditions, the officer shall, without a warrant, arrest the alleged violator regardless of whether the violation was committed in or outside the presence of the officer; or
- L. The person is subject to arrest pursuant to § 55-10-119.

### 5.40.030 Arrest Warrants

- A. All arrest warrants issued in Davidson County are issued by a judge or commissioner once he/she is satisfied that the offense complained of has been committed, and there is reasonable ground to believe the defendant is guilty of that offense.
- B. Upon issuance of a warrant, state law imposes a duty on all sworn employees of the Metropolitan Nashville Police Department to serve said warrants on defendants located within Davidson County, Tennessee. However, when the persons are not in custody or presently located, the outstanding warrant shall be filed in Criminal Warrants consistent with the section policy for filing the same.
- C. Consistent with the provisions of T.C.A. § 40-7-118, the judge or General Sessions "Night" Court Commissioner may designate that misdemeanor arrest warrants shall be served by the issuance of a state misdemeanor citation. If this is done, the warrant will be clearly marked and all such outstanding misdemeanor warrants will be served by state misdemeanor citation giving the defendant a court appearance date.
  - 1. Current practice among judges and judicial commissioners issuing misdemeanor warrants is that warrants are stamped "Citation" if they may be served with a citation. **If the warrant is not stamped "Citation," the person named shall be brought to Night Court for processing as with any physical arrest.** [74.3.1]
    - a. The person named must meet all other eligibility requirements to have the warrant served with a citation. Otherwise, a physical arrest is required even if the warrant is stamped "Citation."
    - b. When serving such a warrant with a citation, the officer shall complete all information on the citation and other documents.
    - c. The officer shall assign the court date as mandated by existing policy.
    - d. The officer shall contact the Warrant Office, and provide the following information:
      - (1) Defendant's name;
      - (2) Warrant number;
      - (3) Officer's name;
      - (4) Officer's unit number;

- (5) Complaint number, if not assigned on warrant;
- (6) Citation number; and
- (7) Court date assigned.

- e. The Warrant Office personnel shall forward the warrant to the Criminal Court Clerk as being "served."
- D. When serving arrest warrants at a private residence, police officers shall adhere to the U.S. Supreme Court ruling in *Steagald v. United States* which provides that a search warrant must be obtained, absent exigent circumstances or consent, to search for the subject of an arrest warrant in the home of a third party.
- E. When serving arrest warrants, officers shall first confirm that the warrant is still outstanding and the MNPDP Warrant Division has visually confirmed the warrant is on file. This can be accomplished in several ways:
- 1. Via radio by contacting Warrant Division personnel on the designated radio channel; or
  - 2. Via telephone by calling the MNPDP Warrant Division and speaking with Warrant Division personnel directly.
- F. In all circumstances, MNPDP Warrant Division personnel shall physically pull the warrant and confirm the warrant is active and on file prior to any MNPDP officer placing any suspect in custody for an outstanding warrant offense only.
- G. Under no circumstances shall any individual be transported to booking or the MNPDP Warrant Division for the purpose of confirming an outstanding warrant.

#### **5.40.040 Routine Felony Arrests**

Consistent with the U.S. Supreme Court's holding in *Payton v. New York*, it is presumptively unreasonable for Metropolitan Nashville Police Officers to make a non-consensual warrantless entry into a suspect's home for the purpose of making a routine felony arrest. However, an arrest warrant founded on probable cause implicitly carries with it the limited authority to enter a dwelling in which the suspect lives when there is reason to believe the suspect is within.

## **5.50 State Misdemeanor Arrest Citations**

### **5.50.010 Policy**

It is the policy of the Metropolitan Police Department that all personnel shall adhere to the provisions herein with respect to state misdemeanor citations. Officers **shall** issue citations in cases where:

- A. The public will not be endangered by the continued freedom of the suspected misdemeanant; and
- B. The officer has reasonable proof of the identity of the suspected misdemeanant; and
- C. There is no reason to believe the suspected misdemeanant will not appear as required by law; and
- D. Issuance of such citation is not specifically prohibited by statute and/or this order.

### **5.50.020 Determination of Continued Custody or Issuance of Citation**

- A. Sworn personnel shall comply with all current laws and departmental policies in regards to handling and searching of subjects. The officer shall conduct an analysis of the facts, circumstances, and laws to determine if a custodial arrest should be made or if the arrested person should be issued a citation and released.

#### **1. Mandatory Issuance of Citations**

As a general rule, police officers who have arrested a person for the commission of a misdemeanor committed in their presence, or who have taken custody of a person arrested by a private person for the commission of a misdemeanor, **shall** issue a citation to such arrested person to appear in court in lieu of the continued custody and the taking of the arrested person before a magistrate, unless the offense or the circumstances of the arrest fall within one of the exceptions listed in this order.

#### **2. Non-Mandatory Issuance of Citations**

- a. If a person is arrested for any of the five (5) offenses listed directly below, a police officer **may** issue a citation to such arrested person to appear in court in lieu of the continued custody and the taking of the arrested person before a magistrate.

- (1) The offense of theft (which formerly constituted shoplifting), in violation of § 39-14-103.
- (2) Issuance of bad checks in violation § 39-14-121.
- (3) Use of a revoked or suspended driver license in violation of § 55-50-504, 55-50-601 or § 55-50-602.
- (4) Assault, unless the officer believes there is a reasonable likelihood that the arrested person would endanger other persons if a citation were issued in lieu of continued physical custody of the defendant.
- (5) Prostitution, in violation of § 39-13-513, unless the arresting officer has reasonable cause to believe that the defendant will attempt to engage in prostitution activities (within a reasonable period of time) if not arrested.

b. While issuance of a citation for the above described offenses is not statutorily mandated, **officers are encouraged to issue citations whenever possible.**

3. Issuance of Citations Prohibited

a. **No citation shall be issued** for any misdemeanor arrest if:

- (1) The person arrested requires medical examination or medical care; or such person is unable to care for his/her own safety; or
- (2) There is a reasonable likelihood that the offense would continue or resume, or that persons property would be endangered by the arrested person; or
- (3) The person arrested cannot or will not offer satisfactory evidence of identification, including the providing of a field administered fingerprint or thumbprint; or
- (4) The prosecution of the offense for which the person was arrested, or of another offense, would thereby be jeopardized; or
- (5) A reasonable likelihood exists that the arrested person will fail to appear in court; or
- (6) The person demands to be taken immediately before a magistrate or refuses to sign the citation; or
- (7) The person arrested is so intoxicated that he could be a danger to himself or herself or to others; or
- (8) There are one (1) or more outstanding arrest warrants for the person, or
- (9) The person arrested is charged with D.U.I. as prohibited by § 55-10-401, **unless** the offender is admitted to a hospital or detained for medical treatment for a period of at least three hours for injuries sustained in a D.U.I. incident; or

(10) The person is subject to arrest pursuant to § 55-10-119.

- B. Officers should be aware that on some occasions judicial commissioners may order officers to issue citations after arrival at the Criminal Justice Center. The commissioner may order that the citation be issued due to jail overcrowding or other circumstances. On those occasions officers shall comply with the orders of the commissioner. The facts and circumstances shall be recorded on MNPDP Form 104, "Supplement Report." **Officers are not responsible for transporting arrested persons away from the Criminal Justice Center unless the commissioner refuses to allow any prosecution of the person.** See Section E.
- C. Officers **shall** always document on the Arrest Report why an arrested person was not issued a citation. The reviewing supervisor will check to see if this information has been placed on the MNPDP Form 106, "Arrest Report." If not, the incomplete report shall be returned to the arresting officer.
- D. When analyzing the circumstances to determine if an arrested person is eligible to receive a citation, there are no strict residency or employment requirements. A citation may be issued to a person who does not live or work in Davidson County, unless prohibited by statute, by this order, or for any other articulable reason consistent with this order.
- E. When issuing a citation the officer shall inform the person that he is being arrested, and that the issuance of a citation is authorized by law in lieu of arrest. Further, the arrested person shall be informed that failure to appear for the booking process constitutes a separate offense under the law as described on their copy of the citation.
- F. Officers **shall not** issue a citation to an arrested person if, after hearing probable cause testimony, a judicial commissioner or judge refuses the officer's request for a warrant. The officer shall offer to return the person to the location of arrest or another safe location within Davidson County.
- G. Officers shall always obtain satisfactory identification, as defined in 1-5 below, from arrested persons when making the citation/physical arrest determination. This requirement is intended primarily to protect the public from inconvenience, business or financial difficulties, or embarrassment when criminal suspects illegally use the name of an innocent person. The secondary intent of this requirement is to control the amount of time and resources spent by all elements of the criminal



justice system in correcting official documents and records prepared in false or assumed names.

1. Because of the increasing number of citations being processed under insufficient or false identification provided by arrested persons, **preferred identification shall be interpreted as valid documents bearing a recognizable photo of the person arrested** (e.g., driver license, government employee or military identification, student identification, etc.).
2. Other items of identification are to be considered satisfactory, but less reliable than photo identification. Such satisfactory items would include: computer verified information, vehicle registrations and titles, government food or housing documents, voter registration cards, club/fraternal/service organization membership cards, social security cards, birth certificates, jail identification, parole/probation documents, rent or utility receipts, etc.
3. Nothing herein shall prohibit the issuance of a citation when an officer uses investigative skills, interview techniques, or personal knowledge of an arrested person to satisfactorily identify that person. However, officers must be able to articulate their reasons for issuing a citation in the absence of identification required by these provisions, or obtain supervisory approval. Misidentification could result in civil liabilities to the employee and/or department.
4. **Any citation that is issued**, and later determined by appropriate authority to be **in a fictitious or assumed name, will be brought to the attention of the issuing officer and the approving supervisor**. The reviewing authority will discuss with those employees the identification procedures used at the scene of the incident. The employees shall make every effort to correct the documents in question, and **will be held accountable for the identification requirements mandated herein**.
5. In a situation where a defendant does not have state issued photographic identification, officers shall articulate on the citation or arrest report why a custodial arrest was made or a citation was given. On an arrest report, officers shall document their specific reason to doubt the defendant's assertion of identity. If a citation is given, then, officers shall document on the citation what investigative methods or documents provided were used to confirm the defendant's assertion of his identity.

#### **5.50.030 Serving Outstanding Misdemeanor Arrest Warrants**

See 5.40.030, C for specific provisions regarding the service of outstanding warrants via state misdemeanor arrest citations.

#### **5.50.040 Documentation and Fingerprints Required**

- A. The citation itself shall be completed in its entirety, including all information in the affidavit. Witness, prosecutor, issuing officer, and court date shall be complete and legible.
  - 1. The affidavit shall contain sufficient facts to allow a judge to determine that probable cause exists that an offense was committed.
  - 2. The prosecutor shall swear to, or affirm to, the citation prior to commencement of a preliminary hearing or trial.
- B. Officers shall obtain a clear fingerprint from the arrested person in the block indicated on the citation form. Officers shall use the supplied fingerprint inepad. Failure to allow fingerprinting is grounds for custodial arrest and "booking" of the arrested person.

#### **5.50.050 Court Appearances and Assignment of Booking Dates**

- A. Metropolitan Police Officers shall not appear in court on state misdemeanor citations unless a subpoena has been issued requiring such appearance.
- B. Metropolitan Police Officers will assign court dates on state misdemeanor citations per existing procedure.

#### **5.50.060 Processing Citations, Reports, and Booking Documents**

Issuing officers shall forward required copies of the citation to the Records Division at the end of their shift by utilizing current "mail" transfer practices.

#### **5.50.070 Processing Evidence**

Officers shall immediately, or as soon as practical, process all evidence in accordance with applicable procedures and existing policy.

**5.50.080 Issuance of State Misdemeanor Citations during Pre-planned Warrant Operations and under Extraordinary Circumstances**

- A. Notwithstanding the provisions pertaining to permissible issuance of misdemeanor citations, during pre-planned warrant operations and under extraordinary circumstances it shall be permissible for the MNPD to issue State Misdemeanor citations to those persons who may have outstanding misdemeanor warrants in lieu of taking those persons involved into physical custody.
- B. Such action should be for the purpose of obtaining an additional court date, for a future docket, whereas the individual may get a disposition in their case.
- C. The issuance of State Misdemeanor citations during pre-planned warrant operations and under extraordinary circumstances may be authorized by the Chief of Police in collaboration and agreement with the General Sessions Courts, the Criminal Courts, the District Attorney's Office and other criminal justice departments that may be involved in the operation.

**5.50.090 Instructions for Issuing Booking Dates and Initial Court Appearance  
(Revised August 19, 2014)**

- A. MNPD personnel shall utilize the appropriate initial booking date according to their regular work assignment.
- B. The initial booking date for state misdemeanor citations shall be scheduled on the specific day of the week assigned to the departmental element wherein the issuing member is regularly assigned ([See Chart](#)). The booking date will be set on the assigned day of the week at least **three (3) full weeks and no more than four (4) weeks, following the date of issue between the hours of 0700 am and 0900 hours or 0900 and 1100 hours. If the booking date should fall on a holiday closed by the authority of the court,** issuing officers shall schedule the booking date on the next available booking date assigned to their division.
- C. Official Court Holidays include, but are not limited to, the following:
  - 1. New Year's Day
  - 2. Martin Luther King Day
  - 3. President's Day
  - 4. Good Friday
  - 5. Memorial Day
  - 6. Independence Day

7. Labor Day
8. Veterans Day
9. Thanksgiving Day
10. Day After Thanksgiving
11. Christmas Eve
12. Christmas Day
13. Other Dates as notified by the courts

- D. **No booking dates will be scheduled on Saturday or Sunday.**
- E. Booking dates will be assigned on all weekdays, excluding the above holidays and those dates specifically closed by the authority of the court.
- F. Defendants should be notified, at the time the citation is issued, that their initial court appearance will be held after the booking process, in the same building. At that time, some dispositions may be made or they may be issued a court date to return for a hearing on their case. In any event defendants should be notified to plan for the process to take several hours.
- G. The MNPD Court Appearance Section shall advise employees in advance if any court date is closed to ensure no booking dates are assigned on a closed date.
- H. Examples:
1. An officer assigned to the **Hermitage Precinct** issues a State Misdemeanor Citation on **Thursday June 5, 2014**. The initial booking date and time assigned to the arrestee would be **Thursday June 28, 2014 between 0700-0900hrs**. Notice the date is not simply the 3<sup>rd</sup> Thursday after the issue date, but the 3<sup>rd</sup> Thursday **3 full weeks** after the issue date..
  2. An officer assigned to the **Property and Evidence Division** issues a State Misdemeanor Citation on **Wednesday July 2, 2014**. The initial booking date and time assigned to the arrestee would be **Thursday July 24, 2014 between 1100-1300hrs**. The date is **3 full weeks** past the issue date.
  3. If an officer assigned to the **East Precinct** issues a State Misdemeanor Citation on **Tuesday June 10, 2014**. The initial booking date and time assigned to the arrestee would be **Wednesday, July 9, 2014 between 0700-0900hrs**. The first Wednesday 3 full weeks following the issue date is **Wednesday, July 9, 2014**.

4. **All other law enforcement agencies** that issue State Misdemeanor citation for Metropolitan Davidson County Courts will utilize the **Tuesday between 1100-1300hrs** initial booking date.

## **5.60 Officer Discretion and Alternatives to Arrest**

### **5.60.010 Officer Discretion**

An officer's discretion is an essential function of effective law enforcement. The totality of the circumstances should be considered when determining the necessary actions to resolve each situation. Officers must rely on training, departmental policies and procedures, statutory law, and supervisors to make the appropriate decision.

### **5.60.020 Alternatives to Arrest**

What is reasonable in terms of appropriate police action or what constitutes probable cause varies with each situation. Different facts may justify either an investigation, search, arrest, or no action at all. The decision to arrest should be based on a careful analysis of the situation with an understanding that many of the problems encountered will demand a variety of solutions. There are alternatives for creatively resolving a situation which may include warnings, citations, grand jury direct presentments, or referrals to social service agencies.

## **5.70 NCIC "Hits"**

### **5.70.010 General Provisions**

When a subject is stopped and a records check reveals a NCIC "hit" MNPD personnel shall:

- A. Immediately notify the MNPD Central Records Division via phone or radio.
- B. Central Records Division shall verify if the originating agency will extradite.
  1. If the originating agency will extradite, the subject shall be placed into custody and booked.
  2. If a fugitive is in Davidson County, and is within the extradition limits of the NCIC hit, but the originating agency refuses extradition, the officer shall complete an Incident Report (MNPD Form 100) as a "Matter of Record" documenting the stop and release of the subject. The report must contain the following information, at a minimum:
    - a. Complete identifying information of the person stopped,
    - b. Complete facts surrounding the reason for the initial stop,
    - c. Name of agency from which the "hit" was received,
    - d. Date and time of notification to originating agency,
    - e. Date and time of response from originating agency (including details of response),
    - f. If originating agency fails to respond within the allotted time, the officer shall state that information in the report, and
    - g. Reason for release of the subject such as: originating agency would not extradite or originating agency failed to respond within allotted time frame.

## **5.80 Disorderly Houses Ordinance**

### **5.80.010 Purpose**

The purpose of this order is to communicate procedures for the enforcement, tracking, recording and prosecution of violations of the Disorderly House Ordinance, Metropolitan Code Section 11.12.060.

### **5.80.020 General Provisions**

- A. No person who manages or controls any building, room or enclosure, either as an owner, lessor, agent, or employee shall knowingly rent, lease or make available for use, with or without compensation, any building, room or enclosure to any tenant or occupant who unlawfully manufactures, delivers, sells, stores, gives away or uses any regulated legend drug, narcotic or other controlled substance as defined in T.C.A. Section 39-17-402 and T.C. A. Section 53-10-101. (Metro Code Section 11.12.060, Subsection B)
- B. Once notified by police department personnel that a violation of Metro Code - Section 11.12.60 has occurred, a person who manages a building shall evict tenants or occupants that are engaged in illegal drug activity. Personnel in the Vice Division, Equipment and Seizure Section, shall provide the person(s) who manages or controls the property with **current** and **accurate** information concerning the tenants or occupants criminal drug activity. This NOTICE shall provide grounds for evicting such persons.
- C. Once Metropolitan Police Department personnel determine that a tenant or occupant is manufacturing, delivering, selling, storing, giving away or using regulated legend drugs, narcotics or other controlled substances, **and that enforcement of the ordinance would not hinder further criminal prosecution**, the Metropolitan Police Department shall serve a written NOTICE on the person(s) who manage the building where the illegal drug activity is occurring. The written NOTICE will inform the person(s) who manage or control the property in question of the investigation and his/her responsibility to prohibit manufacturing, delivering, selling, storing, giving away, or using regulated legend drugs on their tenant's property.

### **5.80.030 Enforcement Provisions**

- A. If an officer discovers and verifies illegal drug activity as defined below, **and enforcement of this ordinance would not hinder further criminal prosecution**, the ordinance shall be used under the following conditions:



1. When officers have personal or actual knowledge of the purchase of a regulated legend drug, narcotic, or other controlled substance on the tenant premises; or
  2. When conducting a lawful search and any regulated legend drug, narcotic, or other controlled substance is found to be in the control of the tenant; and
  3. After laboratory verification that the questioned substance is a regulated legend drug, a narcotic, or other controlled substance as defined in T.C.A. 39-17-402 and/or T.C.A. 53-10-101.
- B. The officer will determine that a landlord/tenant relationship exists. He/she will also determine that the tenant or occupant in question is specifically named on the lease, or verify through the person who manages the building that the tenant in question is the lessee, or has been provided other rental arrangements.
- C. Once an officer has met the above requirements, he/she will compile a case file that includes a report of why he/she believes service of the NOTICE is appropriate. The case file shall include all other documentation, such as copies of arrest reports, executed search warrants, documentation of any drug seizures or transactions, and any other relevant reports. A copy of the case file will then be forwarded to the Vice Division Equipment and Seizure Section. Vice Division Equipment and Seizure Section personnel will have the responsibility of reviewing cases for the enforcement of this ordinance to determine if all legal and departmental requirements have been met. After a review, a determination to decline or initiate the NOTICE procedure will be made. If the determination is made to serve NOTICE, the NOTICE process will then be initiated by Vice Division Equipment and Seizure Section personnel.

The Metropolitan Police Department is required by law to serve the NOTICE. A NOTICE report will be completed by a member of the Vice Division Equipment and Seizure Section, who shall also have the responsibility of serving the NOTICE. The NOTICE can be served by means of certified restricted delivery return receipt mail or by personal service as authorized by Rule 4.04 of the Tennessee Rules of Civil Procedure for service of civil process. The Equipment and Seizure Section will have the authority to delegate service of the NOTICE to officers who are actively involved in the criminal investigation of the case. A copy of the NOTICE will be given to the person who manages or controls the property, or to the person who is an agent for service of process for the property. A copy of the case file will be maintained in the Vice Division Equipment and Seizure Section. When a NOTICE is

sent to a landlord, Vice Division Equipment and Seizure Section personnel will monitor the progress of the proceeding. They will verify that a landlord has initiated eviction proceedings if the tenant or occupant has not voluntarily vacated the building, room, or enclosure. If the landlord is not in compliance with the ordinance, they will file the appropriate charges against the landlord.

- D. The narrative of the NOTICE will specify the type of illegal drug activity that was occurring such as manufacturing, delivering, selling, storing or giving away regulated legend drugs, narcotics or other controlled substances in the building, room or enclosure. The NOTICE will include the following information:
1. The name of the officer who is the source of the information on the NOTICE;
  2. Any criminal warrant(s) number that was obtained in the drug investigation;
  3. The name of the person, company or corporation, the NOTICE is to be served on;
  4. The officer who serves the NOTICE;
  5. The date and time of service;
  6. The name of the person the NOTICE was served or executed on; and
  7. The address where service was executed.
- E. The ordinance applies to both residential and commercial properties.
- F. All officers involved in the case will be available for any court hearing on the matter, either civil or criminal.

#### **5.80.040 Exceptions to the Ordinance**

No person shall be charged with a violation of this Ordinance if such person:

- A. Instituted eviction proceedings within thirty (30) days of the receipt of the NOTICE of illegal activities of the tenant; or

- B. Has completed the eviction proceedings within forty-five (45) days of the commencement of the proceeding; or
- C. Cannot complete eviction proceedings within forty-five (45) days by reason of a court-ordered delay in such proceedings.

## **5.90 Juvenile Curfew Ordinance**

### **5.90.010 Purpose**

The purpose of this order is to communicate procedures for the enforcement, tracking, and recording of violations of the curfew ordinance.

### **5.90.020 General Provisions – Curfew Ordinance**

#### **A. Curfew for Juveniles**

It shall be unlawful for any person under the age of eighteen to be in a public place, or a private place without consent of the property owner, lessee, or a designee of either, during the following time periods:

1. Beginning at 11:00 p.m. and ending at 5:00 a.m. Sunday through Thursday and beginning at 12:00 midnight and ending at 5:00 a.m. Friday and Saturday between September 1<sup>st</sup> and May 31<sup>st</sup>; and
2. Beginning at 12:00 midnight and ending at 5:00 a.m. on any day between June 1<sup>st</sup> and August 31<sup>st</sup>.

#### **B. Defenses to Ordinance**

The following constitute defenses to the enforcement of the ordinance:

1. When the juvenile is accompanied by the juvenile's parent;
2. When the juvenile is accompanied by an adult authorized by the juvenile's parent to take the parent's place for a designated period of time and purpose within a specified area;
3. When the juvenile is on an errand as directed by the juvenile's parent until the hour of 12:30 a.m.;
4. When the juvenile is exercising First Amendment rights such as freedom of speech, free exercise of religion or the right of assembly. This exception requires that the juvenile submit written notification to the chief of police, or his designee, detailing where, when, and in what manner the juvenile is exercising a First Amendment right;
5. Until the hour of 12:30 a.m. if the juvenile is on the property of or sidewalk directly adjacent to the place where the juvenile resides, provided the property owner has given consent;

6. When a juvenile is attending an official activity supervised by adults and sponsored by the Metropolitan Government, a religious or civic organization, or another similar adult supervised entity that takes responsibility for the juvenile. This includes travel to and from the activity, without any detour or stop;
7. In the case of reasonable necessity, but only after the juvenile's parent has communicated to the police department the facts establishing the necessity, the juvenile's place of origin, and destination relating to specific streets at a designated time. The police department may be notified by telephone or other communication methods;
8. When a juvenile is legally employed, including the period from 45 minutes before and 45 minutes after work, while going directly between the place of employment and residence. The juvenile must be carrying written evidence of employment that has been issued by the employer; and
9. When the juvenile is, with parental consent, engaged in normal interstate travel.

**C. Parental Responsibility**

It shall be unlawful for a parent of a juvenile to permit, either knowingly or negligently, the juvenile to violate the curfew law. The term "knowingly" includes knowledge that a parent should reasonably be expected to have concerning the whereabouts of a juvenile in that parent's custody. It is no defense that the parent was completely indifferent to the activities, conduct, or whereabouts of the juvenile.

**D. Enforcement Procedures**

Officers shall use one of the following enforcement procedures when dealing with curfew law violations:

1. In the case of a first violation and if in the opinion of the officer such action would be effective, take the juvenile to the juvenile's home and warn and counsel with the parent(s).
2. Issue a juvenile citation;
3. Arrest the child and transport to juvenile detention center;
4. Issue a Metro Citation to the parent.

### **5.90.030 General Provisions – Tracking and Recording**

#### **A. Exception Documentation**

1. The Youth Services Division shall receive and record requests for exceptions to the curfew ordinance Monday – Friday between the hours of 7:30 a.m. and 4:00 p.m. Individuals making requests at any other time that are not of an emergency nature will be instructed to contact the Youth Services Division during this time frame. The division commander, or a designee appointed by the commander, shall review the requests for compliance with ordinance requirements. Information regarding the requests will be faxed to the Emergency Communications Center.
2. Written documentation shall be completed for the following exceptions to the ordinance:
  - a. Section 4: First Amendment rights; and
  - b. Section 7: Reasonable necessity for an individual juvenile.

#### **B. Field Unit Responsibilities**

1. When a juvenile who is out past curfew informs an officer that a notice of curfew exception has been requested, the officer shall check with the dispatcher for verification.
2. Due to the fact that a juvenile employed during the curfew hours is only required to carry a written statement issued by the employer, the officer shall make a reasonable attempt to verify these statements.
3. When an officer encounters a juvenile in violation of the curfew law, the officer shall notify the dispatcher of the violation. The officer shall use one of the following disposition codes indicating the action taken even if the call did not originate as a curfew violation:
  - a. Code 2J – Took juvenile into custody;
  - b. Code 3J – Issued juvenile citation; or
  - c. Code 9J – Subject warned.
4. Officers also have the option of issuing a Metro Citation to the parent in violation of Metropolitan Code Section 11.28.230, Parental Responsibility.

**C. Communication Division Responsibilities**

1. The identifier "CV" shall be used to identify a violation of the curfew ordinance. This identifier is not for broadcast and will not be used to code a call for service by call-takers.
2. When an officer notifies the dispatcher of a curfew violation, the dispatcher shall change the ten-code priority and classification identifiers to indicate a violation of the curfew ordinance. The ten-code will be retained to reflect the type of incident.

EXAMPLE: A call originally coded 10-57P will be changed to 10-57CV.

**5.90.040 Qualification**

For purposes of coordinating procedural matters concerning the Metropolitan Curfew Ordinance, the commander of the Youth Services Division or any person designated by the commander of the Youth Services Division, shall be considered a designee of the chief of police.

### **5.100 Legal Assistance and Support**

Assistance and advice regarding criminal process may be obtained from the Legal Advisor Office, the Davidson County District Attorney's Office, or the Case Preparation Division.



### **5.110 Knowledge of Law**

Sworn personnel are required to remain knowledgeable on all matters that pertain to criminal process. Information concerning such will be available to all personnel through official memorandum, in-service training, and roll call training.

An officer acting in objective good faith in any criminal process situation will be presumed not to have violated this order.

## **5.120 Computer Voice Stress Analysis (CVSA) and Polygraph Testing**

### **5.120.010 Policy**

Members of the Metropolitan Nashville Police Department shall use only departmentally authorized and issued CVSA/Polygraph equipment. CVSA and Polygraph examinations may be administered, in conjunction with other investigative techniques, for the purpose of pre-employment, criminal, and internal investigations conducted by the Metropolitan Nashville Police Department. CVSA/Polygraph examinations shall only be administered by certified CVSA/Polygraph examiners and when authorized by a supervisor.

General oversight for the administration of all CVSA's and polygraphs, supervision of standards, and quality control shall rest with the Director of OPA or his/her designee.

### **5.120.020 Definitions**

- A. **Blind Review:** A process wherein a second examiner, without knowledge of initial rendering, reviews a CVSA/Polygraph chart and renders an opinion. This is sometimes referred to as a “cold call”.
- B. **Computer Voice Stress Analyzer (CVSA):** The CVSA is a laptop computer that is loaded with software that can identify stress in vocal responses. Voice prints depicting changes in frequency can be evaluated and quantified for the purpose of detecting deception or verifying truth of statements.
- C. **Polygraph:** The polygraph is an instrument that monitors and records certain physiological changes in individuals undergoing questioning for the purpose of detecting deception or verifying truth of statements.
- D. **CVSA/Polygraph Examiner:** A person who has satisfactorily completed department approved training in the use of the CVSA or polygraph instrument and maintains such certifications as appropriate.

### **5.120.030 Uses**

The Polygraph and CVSA devices may be used for, but not limited to, the following purposes:

- A. As an examination for Pre-employment Screening.
  - 1. CVSA or Polygraph examinations are administered in pre-employment screening to ensure:
    - a. Suitability of the applicant,
    - b. Verify the accuracy and completeness of information provided by the applicant during the selection process,
    - c. Resolve questions or conflicts arising during the background investigation,
    - d. Discover previous criminal or other disqualifying behaviors or actions, and
    - e. Deter those seeking to join the MNPd for improper/subversive purposes.
  - 2. Examinations will be conducted in accordance with all currently applicable laws, rules and regulations, and policies and procedures for these examinations. This will include, but is not limited to, a waiver signed by the prospective employee stating what the examination will cover, and what it specifically will not address.
  - 3. A copy of all pre-employment CVSA examinations shall be forwarded to the Office of Professional Accountability to be maintained in a central file. This shall include a copy of is the examiner's report, charts, questions, and waiver.
- B. As an investigative tool for criminal investigations:
  - 1. The CVSA and Polygraph examinations are a tool to be used by investigators as a supplement to an investigation and should be accompanied by other objective evidence.
  - 2. Juveniles will not be examined unless a parent or legal guardian has signed a release for the test to be conducted and the juvenile has also granted permission for the examination, or a court order has been issued. In voluntary cases, the examiner may refuse to administer the examination to a juvenile because of the juvenile's age, or lack of understanding of the test and legal surroundings.

- C. As an investigative tool for allegations of employee misconduct:
  - 1. The Office of Professional Accountability or a Bureau Commander shall approve the administering of any CVSA/Polygraph examinations to MNPd employees in regards to internal investigations. Such examinations shall be done in accordance with the standard operating procedures of OPA.
  - 2. CVSA/Polygraph examinations unaccompanied by other objective evidence shall not conclusively establish or refute allegations of misconduct. Employees will not be subject to discipline solely on the results of a CVSA or polygraph examination.
  - 3. Departmental employees may be compelled to submit to an investigative CVSA, pursuant to other applicable departmental policies.
- D. As a scheduled testing procedure in sensitive assignments within the department: (which may include, but not limited to SID, CSU and Property Room)
  - 1. Personnel applying for sensitive assignments shall receive a CVSA/polygraph test during the selection process.
  - 2. Consistent with established policy and procedure, personnel in sensitive assignments shall receive a CVSA/polygraph examination without any additional objective evidence, allegation of misconduct, etc. at least once per year or at the discretion of the Division or Bureau Commander.
  - 3. Upon transferring from sensitive assignments personnel shall receive a CVSA/polygraph test.

**5.120.040 Records of CVSA/Polygraph Examinations:**

- A. All examinations that are administered by departmental personnel shall be recorded in a departmental database. At the conclusion of each examination, CVSA/Polygraph examiners are required to record this information in the database. This database will capture all information related to the examination. This database shall be maintained by the Office of Professional Accountability.
- B. Each component shall maintain all records and associated paperwork pertaining to all CVSA/Polygraph examinations given within that component. Such records shall be available to the Office of

Professional Accountability upon request, for auditing purposes, or otherwise as directed by the Chief of Police, or designee.

**NOTE:** Background and Recruiting shall immediately forward all records and associated paperwork directly to the Office of Professional Accountability, to be audited on a continuing basis.

- C. Periodically, each component shall be audited by the Office of Professional Accountability. Such audits shall be for quality control procedures as well as maintaining consistency within the department.
- D. No CVSA or Polygraph testing, review, critique or evaluation of any test results will be performed by departmental personnel except upon request of an initial examiner, such examiner's supervisor(s) or other personnel with primary responsibility for conducting a departmental investigation.

### **5.130 Case Preparation**

The purposes of this order are as follows:

- A. To establish a set procedure for members to follow in preparing cases for presentation to the Grand Jury and/or criminal court; and
- B. To aid in successful prosecution of criminal cases by the prosecuting officer and the District Attorney General's Office; and
- C. To offer legal support to police personnel contemporaneous with criminal investigations and prosecutions.

#### **5.130.010 Policy**

The Case Preparation Division shall have the responsibility of preparing all criminal case files that are requested by the District Attorney's Office for presentation to the Grand Jury, as well as preparation of all direct presentment cases initiated by Metro Police personnel, with the following exceptions:

- A. Specialized Investigations Division/Vice Section cases, and
- B. Homicide cases worked by the Homicide Section or Precinct Investigations Units.

#### **5.130.020 Procedure**

- A. The Case Preparation Division shall receive all requests from the District Attorney's Office for police case files to be presented to the Grand Jury.
- B. Upon receipt of requests from the District Attorney's Office, a determination shall be made as to the personnel responsible for the preparation of the case. This determination will be based on a review of departmental documents and affidavits.
- C. Case Preparation personnel will then notify the member responsible for the preparation of a requested case to appear in Case Preparation prepared to provide all information necessary for the successful prosecution of the case. This member shall bring a copy of the following to be included in the Case Preparation file:
  - 1. All Incident reports;
  - 2. All Supplement reports;
  - 3. All Arrest reports;

4. All reports made by the Identification Division;
  5. All waivers/consent forms and any other forms utilized in the arrest;
  6. Any other documents or evidence relative to the prosecution of the case, including citations, tow-in reports, search warrants, property receipts, statements; and
  7. The substantial contents of any statement made by the defendant, which the police intend to use as evidence in the prosecution.
- D. Case Preparation shall develop and revise intra-sectional forms and policies to facilitate these procedures.

### **5.130.030 Case Quality**

#### **A. Review of Cases**

It shall be the responsibility of Case Preparation personnel to review all cases prepared in said office for quality and prosecutorial fruitfulness with the specific aim to fully develop each of the necessary elements of a particular charge. The purpose of this review is to ensure the legal quality and sufficiency of all cases sent to the District Attorney General's Office by the Metropolitan Police Department.

#### **B. Referral for Additional Investigation**

To further improve the quality of cases, personnel of Case Preparation are hereby vested with authority to reject cases they feel need additional investigative effort to ensure the legal sufficiency of the case. Personnel rejecting a case will advise the member responsible for the case, in writing, specifically listing what should be done to bring the case up to the standard deemed necessary for presentation to the Grand Jury. Said request shall be complied with. Failure to comply will result in the Commander of the Case Preparation Division taking appropriate action including disciplinary action.

#### **C. Review of Referred Cases**

If any member has reason to question the validity of a request for additional investigation or follow-up made by Case Preparation, a request for review shall be made to the Commander of the Case Preparation Division.

### **5.130.040 Employee Evaluations - File Cards**

The Case Preparation Division shall maintain an officer's evaluation card on each case prepared in said office for presentation to the Grand Jury. These cards will be available to supervisory personnel for annual

evaluation of personnel, as well as consideration for transfer to other positions within the Department. Said evaluation shall reflect the Case Preparation reviewer's overall assessment of the case, including the member's abilities and efforts. The member preparing a case in Case Preparation shall be the only officer evaluated in that case.

**5.130.050 Direct Presentment**

Direct Presentment shall be a preferred method of prosecution in felony cases. Case Preparation will be available to assist any member in preparing these cases for the Grand Jury. The standards and provisions pertaining to bound over cases shall be fully complied with in all Direct Presentment cases.

**5.130.060 Legal Support**

A. Supplement to Department of Law/Police Legal Advisor

Case Preparation shall supplement the Legal Advisor by:

1. Advising members on statutory charges regarding criminal prosecutions;
2. Answering search and seizure questions; and
3. Providing guidance in proper police procedure and technique contemporaneous with investigations.

B. Library

Case Preparation will be responsible for maintaining a current limited resource law library for utilization by police attorneys and all other personnel. Use thereof shall be pursuant to the guidelines adopted by Case Preparation.

**5.130.070 Liaison With District Attorney General's Office**

- A. The Case Preparation Division shall be responsible for liaison with the District Attorney General's Office.
- B. Upon notice from the District Attorney General's Office, all cases in which the prosecutor declines to prosecute or causes to be dismissed owing to alleged law enforcement agency mishandling are to be reviewed by Case Preparation personnel.
- C. Police personnel with problems or suggestions relevant to the District Attorney General's Office shall be handled through the Case Preparation Division.



- D. The Case Preparation Division shall be responsible for developing intra-sectional policies to identify habitual or career offenders and to specifically identify case files pertaining to the same, thereby giving notice to the District Attorney General's Office. Said notice shall be deemed to be a request for special consideration.

## **5.140 Seizure of Computer Equipment**

### **5.140.010 Purpose**

The purpose of this order is to delegate specific responsibilities and establish guidelines for the search and seizure of computer components and related equipment in any type of computer related investigation

### **5.140.020 Policy**

The Intelligence Division Computer Forensics Laboratory personnel are responsible for technical advisory and forensic analysis services to department personnel as well as to outside agencies when approved by the Intelligence Division commander.

### **5.140.030 Definitions**

- A. **Electronic Evidence:** information and data of investigative value that is stored on or transmitted by an electronic device.

### **5.140.040 Planned Seizures**

- A. Officers planning an operation that will/could result in the seizure of computer related evidence will attempt to obtain the services of personnel who have had formal computer seizure training approved and/or conducted by Computer Forensics Laboratory personnel.
- B. When personnel with formal training are not available, officers planning the seizure will contact Computer Forensics Laboratory personnel for technical guidance before the seizure.
- C. Search Warrants
  - 1. Computer Forensics Laboratory personnel will provide advisory services on the preparation of search warrants for computer equipment and data.
  - 2. To seize and search a computer, the search warrant must specify the items to be seized and searched. All computer hardware and software should be included in that the entire system may be necessary to replicate the suspect's use of it and to enable forensic examination of the system.
  - 3. Officers are cautioned to consult with a legal advisor or Computer Forensics Laboratory personnel in the event the computer or

electronic storage media to be seized may involve legitimate business records or a business "work product".

**D. Consent Searches**

1. In computer crime cases, two consent issues arise particularly often. First, when does a search exceed the scope of consent? For example. When an individual consents to the search of a machine, to what extent does the consent authorize the retrieval of information stored in the machine? Second, who is the proper party to consent to a search? Officers should be particularly cautious in determining if the person giving consent has the authority to do so.
2. Officers should use MPD Form 285, Consent for Removal and Examination of Computer and Other Related Material, and state explicitly that the scope of the consent includes consent to search computers and other electronic storage devices and retrieve information stored on them.

**5.140.050 Non-Planned Seizures**

- A. Officers should use caution when seizing electronic devices. The improper access of data stored in electronic devices may violate provisions of certain Federal laws, including the Electronic Communication Privacy Act.
- B. If possible, officers encountering computer equipment and/or electronic storage media that may be of evidentiary value should attempt to obtain the services of personnel in the Computer Forensics Laboratory or personnel formally trained in the physical seizure and handling of computers and related items.
- C. If circumstances are such that assistance is not readily available, and leaving it in its current location may compromise the possible evidentiary value of the equipment/storage media, the officer should take the basic steps outlined in Article 15.140.060 Seizure Procedures.

**5.140.060 Seizure Procedures**

**NOTE:** The following is extremely basic guidance subject to rapidly changing technologies.

- A. Stand-Alone Computer (Non-Networked)

1. Computer equipment that appears to be turned off:
  - a. Secure the premises and move people away from the computer.
  - b. Under no circumstances switch the computer on.
  - c. Unplug the power cord from the back of the computer.
2. Computer equipment that appears to be turned on:
  - a. Move people away from the computer and power supply.
  - b. Do not touch the keyboard or mouse.
  - c. Record what is on the screen by photograph or other means.
  - d. If no formally trained personnel are readily available, remove the power cord from the back of the computer.

**B. Networked or Business Computers**

1. Officers will consult with Computer Forensics Laboratory personnel, or other personnel with formal training and expertise when dealing with networked or business computers, a computer network, or a mainframe or mainframe terminal.
2. Do not disconnect the power source as doing so could damage the system and/or disrupt legitimate business.

**C. Packaging/Labeling**

1. Officers will complete MPD Form 286 Computer, Storage Media & Peripherals Inventory Worksheet.
2. Each item seized must be properly marked, labeled and/or packaged.
3. Large items such as monitors, keyboards and system units (normally containing the hard drive) may be tagged or labeled rather than bagged.
4. Small items such as loose media (floppy disks, Jaz disks, zip disk, etc.) must be bagged/boxed, tagged and sealed.
5. Each individual item inside the bag or box must be marked sufficiently to show how to reconnect each item exactly as it was before dismantling. Photographing and/or diagramming the wiring and labeling each wire from the central processing unit to the specific external device can accomplish this.

6. Bags used for electronic evidence items are to be paper or static free plastic bags.
7. Evidence will be handled, processed, and stored in accordance with current departmental policy.

**D. Protecting Evidence**

1. During transportation and storage of computers and related electronic devices, avoid external magnetic sources (i.e. placing near the police radios in a vehicle) extreme temperatures and other possible contaminants.
2. Do not use fingerprint powder on compact disks, floppy disks, floppy disks or other computer media as the presence of fingerprint powder may render forensic data examination impossible.
3. If other physical forensic evidence is present on these items, consult with Computer Forensics Laboratory personnel.

**E. Other Procedures**

1. All seized computer evidence will be turned into the Evidence Storage Division.
2. Officers requesting analysis of evidence by Computer Forensics Laboratory personnel will contact the Computer Forensics Laboratory personnel first to confirm appropriate procedures for transport and transfer to the Computer Forensics Laboratory personnel. A completed MPD Form 287 Computer Forensics Request will accompany a request for evidence analysis for Laboratory Examination.
3. A physical examination of electronic evidentiary items will be completed before any attempted start-up of the item.
4. Computer Forensics Laboratory personnel will provide and maintain formal, written procedures addressing the handling of electronic evidence as well as computer forensic procedures.
  - a. These procedures will be available to Computer Forensics Laboratory personnel and other designated personnel.
  - b. These procedures will include the latest techniques to ensure electronic evidence is not altered during forensic examination.

- c. The procedures may incorporate by reference appropriate standard reference texts or commercial documentation.
5. A special secured area will be designated in the Intelligence Division for Computer Forensics Laboratory personnel to process, analyze, and maintain electronic evidence

## **Title 6: Evidence and Property**

### **6.10 Evidence Storage Section**

#### **6.10.020 Definitions**

For the purposes of this policy, the following definitions shall apply:

- A. **BAC Kit:** This is a blood alcohol content kit that measures the concentration of alcohol in the blood, expressed as the weight of alcohol in a fixed volume of blood and used as a measure of the degree of intoxication in an individual. The kit is used when the officer suspects impairment by means other than alcohol, the person is unable to take a breath test or the person requests a blood test at his own expense after submitting to a breath test.
- B. **Contraband:** When applied to alcohol and tobacco products, generally refers to whiskey, wine, and manufactured tobacco products which are untaxed and/or illegally possessed by nature of their quantity or location.
- C. **Discharged bullet:** a projectile that has been fired from a firearm.
- D. **Discharged cartridge case:** a casing from which a bullet has been fired.
- E. **DNA (deoxyribonucleic acid):** The genetic material of all cellular organisms, a chemical found primarily in the nucleus of cells. DNA carries the instructions or blueprint for making all the structures and materials the body needs to function, stores and transmits the genetic information in cells.
- F. **Drop box:** a secure container for submitting evidence or discharged bullet and cartridge case evidence. Drop boxes are located at each precinct, Officer Workroom at Booking, and the Officer Workroom of Property and Evidence Division.
- G. **Drug Paraphernalia:** All equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body.
- H. **Evidence:** Items recovered, seized, or confiscated relative to a crime or other incident where an arrest is made or an investigation is being conducted and which are instrumental to prosecution efforts.

- I. **Found property:** Items recovered or taken into custody to safeguard it until it can be released to someone having a legal right to claim it. The identity of such person may or may not be known at the time the property is processed.
- J. **IBIS:** the Integrated Ballistic Identification System, which stores data concerning the individual signature of a firearm acquired from the surface of fired ammunition.
- K. **Media:** Specific storage apparatus used to store audio/video images. This may include but is not limited to: videotapes, diskettes, disks, compact disks, digital videodisks, digital files, or cassettes.
- L. **Personal property:** Items clearly identified as belonging to someone who in all likelihood has been arrested and which would usually be maintained by the Sheriff's Department, but which were not turned over to that facility at the time of arrest for whatever reason.
- M. **Property:** Physical items recovered, seized, or confiscated within the scope of police authority.
- N. **Property seized for forfeiture:** Items subject to seizure/forfeiture under state drug, gambling, felony forfeiture, and driver licensing laws.
- O. **Stolen property:** Items reported or otherwise known to be stolen and stored as evidence or pending notification of, and recovery by, the rightful owner or someone having a legal right to claim it.

**Note:** Definitions relative to processing property with the Vehicle Impound Section, as well as provisions attending the impoundment of vehicles, related items, and operation of vehicle impound facilities, are detailed in the directive on vehicle impoundment.

#### **6.10.030 Generally**

- A. The purpose of this directive is to establish provisions pertaining to the receipt, processing, storage, and disposition of any non-departmental property relative to law enforcement actions in general and crime investigations in particular.
- B. It shall be the policy of the Metropolitan Nashville Police Department (MNPd) that any property taken into custody by an employee of the department shall be protected and safeguarded until such time it is properly disposed of in accordance with applicable laws.
- C. These policies are intended to protect and insulate the employee and department from claims of impropriety by providing functional and



legally sound procedures when taking control of any type of property. Furthermore, these policies enhance the quality of prosecutions by assuring strict adherence to the rules of evidence (i.e. chain of custody and chain of evidence).

#### **6.10.040 General Provisions**

- A. To ensure the integrity of the department, property of any type coming into the custody or control of department employees will be processed as soon as possible. Employees shall ensure that all property and evidence is accurately counted. **No employee shall retain any type of property past the end of their tour of duty. All** property taken into custody by employees of the department shall be processed by the Evidence Storage Section unless otherwise directed by the supervisor on duty in that component or this order. **The Evidence Storage Section maintains secured evidence drop boxes that are available 24 hours a day, 7 days a week.**
- B. Except for motorized vehicles and equipment, bicycles, trailers, large wagons, and materials/substances which are potentially explosive, flammable, toxic or otherwise hazardous to a person's health or welfare, property will be submitted to the Evidence Storage Section.
- C. Motorized vehicles and equipment, bicycles, trailers, and large wagons will be submitted to the Vehicle Impound Section.
- D. Items should be packaged in appropriately sized evidence bags which can be obtained from the Property and Evidence Division.
- E. The Property/Evidence Report, MNPDP Form 110, must be legible and attached to the outside of the bag containing the property or evidence. This shall include the full name of the employee submitting the evidence, and the date and time the item was deposited. All fields must be completed with all known information. This includes incident classification, suspect information, victim/owner information and warrant numbers. To maintain proper accounting and reporting statistics, all personnel completing MNPDP Form 110, Property/Evidence Report, **MUST** list their precinct/current duty assignment next to their name at the top of the form.
- F. Officers are prohibited from placing the following items in the drop boxes or lockers:
  - 1. Any perishable items, such as food, cannot be deposited in the drop boxes or lockers. The Evidence Storage Section does not have a means to store food or other perishable items.
  - 2. Syringes SHALL NOT be deposited in any drop box. Officers should instead make a photograph, in accordance with departmental policy, for evidentiary purposes and place the needle

in a sharps container. To prevent needle stick injuries, needles shall not be recapped, purposely bent or broken by hand, or removed from disposable syringes. In the unusual event a needle, or its contents, is needed for evidentiary purposes, CSI personnel shall be contacted to arrange for the safe collection and storage of the evidence.

3. Large items which do **NOT** fit into the drop boxes shall be placed in the evidence lockers located in the Officer Workroom of the Booking Room or Evidence Storage Section. If the items are too large to fit in the lockers, employees shall notify on call personnel from Property and Evidence to respond and receive the property, along with any evidence related to the case, at the Evidence Storage facility. (See current policy governing call out procedures for investigative and support units.) Under **NO** circumstances may items be left **outside** of a designated drop box or locker.
4. Biohazard and other Hazardous Substances:
  - a. All blood test kits must be refrigerated to prevent deterioration of the evidence. A refrigerator containing a locked security box is provided in the lobby of the Evidence Storage Section for this purpose. The top left corner of the BAC kit **MUST** be completed to include the officer's name and information then sealed before it can be placed in the Evidence Storage Section refrigerator.
  - b. Items which are contaminated with any form of bio-hazardous material, which have not been properly dried, shall not be placed in drop boxes. These items should be collected by the Forensic Services Division as they have the means to properly dry these items.
  - c. Materials/substances, which are potentially explosive, flammable, and toxic or which could otherwise be hazardous to a person's health or welfare due to prolonged exposure to said material/substance, will not be placed in any drop box.
  - d. If an item has been contaminated, a biohazard sticker must be attached to the evidence. Additionally, a biohazard sticker must be attached to the paperwork which accompanies any such evidence. The source/type of the contamination **shall** be written on both stickers.
5. **Drop boxes shall only be used for wet items, which are not of a bio-hazardous nature, when the property room is closed.** Officers shall double bag and /or take precautionary measures to ensure that other evidence is not contaminated by the wet items. The officer placing the wet items in the drop box shall ensure that the Evidence Storage Section is notified as soon as the Evidence

Storage Section opens to advise them of the wet items. This must be done to prevent mold and mildew from destroying the property. These items must be dried before they can be placed in permanent storage.

#### **6.10.050 Criminal Evidence**

In processing criminal evidence the following provisions will be observed:

A. To document the evidence **if an arrest is made**:

1. Complete MNPDP Form 106, Arrest Report or State Citation;
2. Complete MNPDP Form 100, Incident Report;
3. Complete MNPDP Form 110, Property/Evidence Report;
4. Attach a copy of the Arrest Report and the appropriate copy of the Property/Evidence Report to the evidence; and
5. Package the items in the appropriate packaging materials supplied by the Evidence Storage Section.

B. To document the evidence **if an arrest is not made**:

1. Complete MNPDP Form 100, Incident Report;
2. Complete MNPDP Form 110, Property/Evidence Report;
3. Attach a copy of the Incident Report and the appropriate copy of the Property/Evidence Report to the evidence; and
4. Package the items in the appropriate packaging materials supplied by the Evidence Storage Section.

#### **6.10.060 Found Property and Personal Property**

A. To submit found property, adhere to the following procedure:

1. When turning in found property, complete an MNPDP Form 100.
2. If there is currently an MNPDP Form 100 already on file that relates to the property, an MNPDP Form 104, Supplement Report, must be completed (if only a supplement report is to be completed, ensure that the original incident number and an explanation for the property being turned in without a MNPDP form 100 is included in the supplement);

3. Complete MNPDP Form 110, Property/Evidence Report;
  4. Attach a copy of the Incident Report and the appropriate copy of the Property/Evidence Report to the found property; and
  5. Package the items in the appropriate packaging materials supplied by the Evidence Storage Section.
- B. To document personal property, adhere to the following procedures:
1. Complete MNPDP Form 110, Property/Evidence Report;
  2. Complete MNPDP Form 104, Supplement Report. Detailing the personal property as well as the reason the personal items are being turned into the Property and Evidence Division for storage; and
  3. Package the items in the appropriate packaging materials supplied by the Evidence Storage Section.

#### **6.10.070 Requesting Evidence to be sent for CSI Processing and Crime Laboratory Testing**

- A. Physical Evidence – All physical evidence requires completion of MPD form 110 at a minimum
1. **MPD Form 110** Blood alcohol kits (BAC kits), latent print envelopes, fired cartridge cases and NIBIN eligible guns are forwarded through ESS to the Crime Laboratory for toxicological testing (BAC Kits) or assessment and entry into the AFIS (latent prints) or NIBIN (cartridge cases/guns) data bases. These types of evidence do not require submission of MPD Form 282.
  2. **MPD Form 282** Employees who have seized or collected evidence other than the above evidence, and would like to request that the item(s) be
    - a. **processed** by the CSI-Evidence Processing Unit or
    - b. **tested** by the Crime Laboratory, shall complete MNPDP Form 282 and electronically submit to [crimelab@nashville.gov](mailto:crimelab@nashville.gov). In order to facilitate proper submission, the MNPDP form 282 is linked to a submission guide for each type of Crime Laboratory forensic testing.
  3. When evidence is turned in at the Property and Evidence Division facility, completed MNPDP Forms 282 **shall not** be attached to the evidence. These forms shall be electronically submitted to

[crimelab@nashville.gov](mailto:crimelab@nashville.gov) for processing.

4. The Crime Laboratory approves MPD form 282 requests for service which initiates the transfer of evidence for processing or testing. The Crime Laboratory Evidence Receiving Unit will communicate if an MND form 282 is rejected or needs modification.
5. Employees who have seized or collected evidence and would like to request that the item(s) be compared to a known suspect and tested by the Crime Laboratory shall follow the steps in Subsection 2 above, **and** document the OCA number or arrange to submit known suspect or elimination standards associated with the case. This applies to requests for latent print comparison (OCA number) or DNA testing, Employees shall make such request on a MNPDP Forms 282 and electronically submit to [crimelab@nashville.gov](mailto:crimelab@nashville.gov).

**B. Drug Evidence**

1. Drugs seized will only be sent to the Crime Laboratory for analysis if the case is requested by the District Attorney's office, if it is being prosecuted federally, or there is an urgent investigative purpose by the case officer. The requesting officer shall complete MPD form 282 and describe the case circumstances. If not associated with a criminal case, drugs will not be sent to the Crime Laboratory without supervisor approval.
2. **Marijuana seized in a quantity of one pound or less will not be sent to the Crime Laboratory for analysis unless requested by the District Attorney's Office.** Marijuana seized in a quantity of one pound or less will be held in the Evidence Storage Section, until the case is adjudicated.
3. The Evidence Storage Section shall develop a procedure concerning transporting drug/narcotic evidence to the crime laboratory for examination. Such procedure shall include, but not be limited to: a schedule for trips to the crime laboratory, security for the trips, and a documentation procedure to maintain the "chain-of-evidence." This procedure shall be included in the Standard Operating Procedures (S.O.P.'s) of the Evidence Storage Section.

**C. Fingerprint Comparison Request – Non Latent Print**

1. Fingerprint comparisons for record corrections – The officer requesting the comparison shall complete MNPDP Form 133, "Record Correction Request" and submit that, along with the original arrest documents and fingerprints of the complainant, to the

Ten Print Unit (see established policy on State Misdemeanor Citations).

2. Fingerprint comparisons of visible prints on forged document – The officer requesting the comparison shall turn the evidence into the Evidence Storage Section and submit a comparison request to [crimelab@nashville.gov](mailto:crimelab@nashville.gov) on a completed MNPDP Form #282. Once the examination is complete the Crime Laboratory Evidence Processing Unit will be responsible for requesting the Evidence Storage Section to pick up the evidence.

**E. Shell Case and Projectiles Evidence**

1. Personnel will attempt to collect shell cases and firearm projectile evidence from reported shooting scenes when victims, suspects, or witnesses cannot be located. The evidence will be packaged and sealed and an MNPDP Form 100 Incident Report, MNPDP Form 110, Property and Evidence Report will be completed and attached to the packaging. Cartridge cases will be sent from ESS to the Crime Laboratory for NIBIN entry with the MNPDP Form 110.
2. MNPDP Form 282 Forensics Service Request Form should be completed if testing by the Crime Laboratory is needed in addition to NIBIN entry.
3. The Property/Evidence Report and Evidence Examination Report will be securely attached to the sealed evidence container and turned into the Evidence Storage Section. Incident reports will be submitted in the normal manner. Crime Scene personnel will not be called to these shooting incidents unless extenuating circumstances exist.
4. If multiple items of evidence or shell cases and/or firearm projectile and other related items of evidence have been recovered, the items will be turned into the Evidence Storage Section with the required documentation.
5. Only shell cases and firearm projectiles associated with a known offense shall be deposited in the Property and Evidence drop boxes or lockers.
6. In order to preserve the chain of evidence, any shell case or firearm projectile associated with a known offense and deposited in the Property and Evidence drop box is the responsibility of Property & Evidence to log such property out and send to the Crime Laboratory for testing. Such cases and firearm projectiles will be for reference and processed by the Crime Lab Section as per their standard operating procedures.

**F. Latent Print Evidence**

Personnel who develop and lift prints from a scene shall complete all necessary latent print cards and a latent print envelope. The completed latent card(s) shall be placed in a completed latent print envelope. The front of the envelope shall be completed by the officer who lifted the latent print(s).

1. If additional information pertaining to the documentation of any latent prints is needed, a supplement report shall be completed detailing any additional information that may be required in court.
  2. A notation shall be made at the top of the supplement report directing records personnel to forward a copy of the supplement to [crimelab@nashville.gov](mailto:crimelab@nashville.gov). Additionally, a notation shall be made on the front of the latent print envelope if a supplement is completed.
  3. If items are processed and no latent prints are developed, notations shall be made in the incident report by the initial officer or on a supplement report, if the prints are attempted at a later time.
  4. All latent prints are submitted to the Property Room on a MPD Form #110 via established practices as all other evidence.
- G. The Evidence Storage Section shall develop a sign-in and sign-out procedure to document when evidence is removed for examination. Such procedure shall be communicated to the department's investigative components.

**6.10.080 Submission of Firearms/Knives and Ammunition Evidence**

- A. All firearms shall be cleared and made safe. If an officer cannot ensure a firearm is cleared and safe, his/her immediate supervisor shall be notified.
- B. When a firearm is seized during an arrest and a suspect(s) is charged with a weapon offense, the arresting officer shall complete MNPD Form 297, Gun Arrest Questionnaire, for each defendant charged.
- C. Revolvers shall be unloaded and the cylinder open. A flex tie will be placed so that the cylinder cannot be closed. Semi-automatic weapons shall be unloaded with a zip tie through the frame via the magazine well and extraction port. Officers shall note, at the top of the Property/Evidence Report, MNPD Form 110, that the weapon has been rendered safe.
- D. Should any firearm that is to be stored as evidence be rusted or damaged to the point that it cannot be cleared or otherwise rendered safe, the firearm **SHALL NOT** be dropped into any evidence drop box.

The seizing officer must personally turn the weapon over to an authorized member of the Property and Evidence Section. During the hours when the Property and Evidence Section is closed, the seizing officer shall utilize current call out procedures for MNPd support units to ensure the weapon is hand delivered to the appropriate personnel. The seizing officer shall notify the receiving personnel that the weapon has not been rendered safe.

- E. The receiving member of the Property and Evidence Section shall notify the appropriate member of the firearms training staff to ensure the weapon is properly cleared and/or otherwise rendered safe in the safest possible manner.
- F. Package any ammunition in a separate bag.
- G. Conduct a NCIC check on all firearms for stolen status. If the weapon has been reported stolen, a copy of the Incident Report, MNPd Form 100, on the recovery of the weapon shall be included with the firearm when it is deposited in the Evidence Storage Section. The employee submitting the weapon should contact the MNPd Records Division to request a teletype be sent to the reporting agency, notifying them of the recovery.
- H. Any fixed blade knives must be packaged in a way that the blade is covered. If the sheath is not available use paper or cardboard to completely cover the blade.

#### **6.10.090 Submission of Drug/Narcotics Evidence**

- A. To ensure consistency in the recording of drug evidence, Officers shall count and weigh all drugs prior to turning them into the Evidence Storage Section. Appropriate scales are provided inside the Officer Workroom, off of the lobby, at the Property Room. These scales are to be utilized to determine the approximate weight of drug evidence. Property and Evidence will be responsible for weighing and recording the official weight for internal reporting purposes, the Crime Lab will provide the official weights for court purposes.
- B. All drugs shall be placed into the appropriate tamper proof evidence bag by the submitting officer. All evidence bags shall be signed and sealed by the officer prior to submittal.
- C. Officers shall complete and attach the Property/Evidence Report (MNPd Form 110) and the Request for Examination Form to the outside of the evidence bag.
- D. If the drug evidence cannot fit into a tamper proof bag, officers will submit the evidence at the Property Room where larger bags will be provided.



- E. Submitting Officers shall be responsible for counting and labeling all of the evidence prior to sealing the evidence bag.
- F. When submitting different types of drugs as evidence at the same time, officers will divide each drug and separately record each count and weight. Each different drug type will then be placed into a smaller evidence bag. **All of the smaller evidence bags will be placed into one tamper proof evidence bag with the weights listed on the outside of the bag.**
- G. **Drug paraphernalia will not be placed in the same bag as drugs.**
- H. Drug evidence may be turned in utilizing the drop boxes provided by the Evidence Storage Section providing that:
  - I. The drug evidence shall be packaged so as not to contaminate other drug evidence or any other evidence that may be inside the box; and
  - J. Any amount of drug evidence is permissible to drop inside the drop box provided it will fit properly into the box.
- K. MNPD personnel should consult with their immediate supervisor or a member of the Evidence Storage Section before dropping large amounts of drugs or drugs with an unusually large street value into the evidence storage boxes. If there is a question of value or perceived value, personnel shall contact their immediate supervisor for guidance.
- L. If the amount of narcotics seized meets the criteria under the Unauthorized Substance Tax Law, (more than 42.5 grams of Marijuana; more than 7 grams of any other controlled substance; or more than 10 dosage units of any controlled substance), the officer should complete the unauthorized substance tax form. This form is provided by the Property and Evidence Division and available at the property room, all precincts and Warrants. The unauthorized substance tax form shall be completed and submitted with the evidence being deposited. Under some circumstances the officer may not complete the unauthorized substance tax form at this time, i.e. when the suspect is aiding in further investigations. Employees should seek appropriate supervisory guidance before choosing not to complete the form.

#### **6.10.0100 Evidence Money Submission**

- A. Submitting officers will count all of the currency prior to placing it in the tamper proof evidence bag.

- B. If the total amount of the currency exceeds three hundred (\$300.00) dollars, then two personnel outside of the Evidence Storage Section will be required to sign and date the evidence bag before submitting.
- C. Both officers must agree to the currency total prior to the evidence bag being signed and sealed.
- D. Officers shall complete all of the required information on the evidence bag and MNPd Form 110 Property/Evidence Report prior to submission.
- E. If the currency was located inside a container or any other property, it shall be removed and submitted into the Property Room separately.
- F. Currency in excess of five-thousand (\$5000.00) dollars shall not be deposited in the drop boxes or lockers. For those times when personnel are not available at the Evidence Storage Section to receive currency greater than \$5000.00, on call personnel shall be contacted to receive the money, along with any evidence related to the case, at the Evidence Storage facility.
- G. Any currency totaling under \$1000.00 may be deposited in any drop box. However, currency totaling between \$1000.00 and \$5000.00 should be placed in the drop box located in the lobby of the Evidence Storage Section.
- H. **All currency and drugs collected or seized as property or evidence will no longer be placed in the same evidence bag.** The **ONLY** exception to this will be if the currency is used to contain the drugs, i.e. crack cocaine wrapped in a \$20 bill, etc.
- I. All currency and drugs shall be individually placed into the appropriately marked tamper proof evidence bags that can be obtained at the precincts or booking room. **NO OTHER EVIDENCE OTHER THAN CURRENCY OR DRUGS WILL BE PLACED IN THE APPROPRIATELY MARKED SEALED EVIDENCE BAGS.**
- J. If the currency is the packaging material, it should be submitted together with the drugs inside the evidence bag and should not be separated. An example would be if a suspect is found to have cocaine wrapped in a five (5) dollar bill. Both the five (5) dollar bill and the cocaine should be placed into one tamperproof evidence bag.

#### **6.10.110 Seized Property and Driver Licenses**

- A. Discussion
  - 1. Felony Forfeiture

- a. State law authorizes law enforcement officers to seize all conveyances (including vehicles, aircraft, and vessels) used to transport, conceal, or store money or goods stolen in a robbery or felony theft as defined in applicable sections of the Tennessee Code Annotated (TCA). Upon final conviction, the conveyance may be awarded by the court to the law enforcement agency which seized it for use as a police vehicle or to be sold at auction, at the agency's discretion.
- b. There are three conveyances which are exempted from seizure. They are as follows:
  - 1) A common carrier as defined by law, unless the owner or operator is a willing victim or co-conspirator in the crime;
  - 2) A rental vehicle, unless the state can prove that the owner or employee of the rental business knew, or had reason to know that the conveyance was or would be used in the crime; and
  - 3) A vehicle subject to a secured interest (lien) unless there is probable cause that the secured party (lien holder) had knowledge of or consented to the use of the conveyance in the crime.
- c. A vehicle has two interests: The lien holder (if any) and the registered owner. The vehicle can be seized through the registered owner even if there is a lien holder; however, to seize the lien holder's interest, the above must be true.
- d. The seizure of such conveyance may be made incident to an arrest or a search incident to a search warrant. If neither is applicable, a seizure warrant from a Davidson County Criminal Court shall be obtained.
- e. Upon seizing a conveyance, the agency shall immediately take custody of it, and place it under seal and/or in a place of safety.
- f. By seizing a vehicle, the officer doing so sets off a chain of events concerning the conveyance. These events must adhere to statutorily-mandated time lines which involve the seizure itself, the litigation of the facts, and the disposition of the conveyance. Provisions concerning each phase of the process are included in this order.

**B. Drug Forfeiture**

- 1. State law authorizes law enforcement officers to seize all raw materials, products, and equipment used or intended for use in

manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of applicable sections of the TCA. The law also authorizes the seizure of property which is used, or intended for use, as a container for such property. This paragraph generally covers the raw material and tools used to manufacture and/or distribute drugs, except conveyances.

2. The law also authorizes law enforcement officers to seize all conveyances (including vehicles, aircraft, and vessels) which are used, or intended for use, to transport or in any manner facilitate the transportation, sale, or receipt of a controlled substance or any materials or tools described in the preceding paragraph.
3. There are four conveyances which are exempt from seizure. They include the following:
  - a. A common carrier as defined by law, unless the owner or operator is a consenting party or co-conspirator in the crime;
  - b. Vehicles whose owner neither consented to, nor had knowledge of, the vehicle's actual or intended use in furtherance of the criminal act;
  - c. A vehicle subject to a secured interest (lien) unless the state can prove that the secured party (lien holder) had knowledge of or consented to the use of the conveyance in the crime; and
  - d. A vehicle which was used to facilitate a drug transaction is subject to seizure, unless the amount bought/sold constitutes "simple possession". **There should not be any seizures based upon misdemeanor drug offenses.**
4. A vehicle has two interests: The lien holder (if any) and the registered owner. The vehicle can be seized through the registered owner even if there is a lien holder; however, to seize the lien holder's interest, the above must be true.
5. Other items subject to seizure include books, records, research documents, formulas, microfilm, tapes, and other data which are used, or intended for use, in violation of the drug laws cited above.
6. Everything of value furnished, or intended to be furnished, in exchange for a controlled substance is also subject to seizure as are all proceeds traceable to such an exchange; and all moneys, negotiable instruments, and securities used to facilitate such transaction or other violation of the drug laws cited above.

7. If there are any cell phones, pagers, money, jewelry, electronic items or other valuables which are being seized, **a copy of the State of Tennessee Notice of Seizure Form (SF 0539) must be included.**
8. Finally, all drug paraphernalia as defined in the TCA may be seized.
9. The seizure of such property or item(s) may be made incident to an arrest, a search incident to a search warrant, or an inspection under an administrative search warrant. If none is applicable, a seizure warrant from a Davidson County Criminal Court shall be obtained.
10. Upon seizing property or a conveyance, the agency shall immediately take custody of it and place it under seal and/or in a place of safety.
11. By seizing property or a conveyance, the officer doing so sets off a chain of events concerning the item(s). These events must adhere to statutorily-mandated time lines which involve the seizure itself, the litigation of the facts, and the disposition of the property or conveyance. Provisions concerning each phase of the process are included in this order.

#### C. Drug Forfeiture - Real Property

The provisions for seizing real property in controlled-substance cases are located in applicable sections of the TCA. Personnel involved in investigations which may result in the seizure of real estate are directed to the Davidson County District Attorney's Office and the Specialized Investigations Division for assistance in processing such confiscations.

#### D. Felony Forfeiture

##### 1. Seizing Officer's Responsibilities

Vehicles may be seized pursuant to the felony forfeiture statute. When a vehicle is seized, the member shall complete the following documents and distribute them as indicated.

- a. MNPD Form 008, "Vehicle Towing Report" - Process consistent with current mail transfer practices, marked "Hold for CID/felony forfeiture."
- b. MNPD Form 234, "Vehicle Hold Report" - With vehicle to Vehicle Impound Section, marked "Hold for CID/felony forfeiture per Officer/Detective xxxxxxxx."

- c. "Notice of Seizure of Conveyance" - Distribute as indicated on form. If the person in possession of the conveyance refuses to sign, the officer shall enter "refused."

## 2. Forfeiture Supervisor's Responsibilities

When seizure documents come to the office of the forfeiture supervisor in the Criminal Investigations Division, he/she shall abide by the provisions of the CID Standard Operating Procedures (S.O.P.'s). Such procedures will be structured to ensure compliance with time deadlines mandated by statute.

## E. Drug Forfeiture

### 1. Seizing Officer's Responsibilities

- a. When an arrest is made involving a felony drug case, such as selling or possessing large quantities of drugs for the purpose of resale, and a vehicle is involved; or in cases, regardless of the amount of controlled substances where a vehicle is used to facilitate an illegal drug transaction, the officer involved will have the vehicle towed to the Vehicle Impound Section by a zone wrecker and write "Hold for Specialized Investigations/Seizure and Equipment Section" on the MNPD Form 008, "Vehicle Towing Report" (VTR). Process the VTR consistent with current mail transfer practices.
- b. If a vehicle is seized, complete MNPD Form 234, "Vehicle Hold Report," and send it with the vehicle to the Vehicle Impound Section, marked "Hold for Specialized Investigations/Seizure and Equipment Section."
- c. When currency or other types of property are seized, they shall be turned in to the Evidence Storage Section. **The officer shall complete all forms that are required by current policy or practice concerning the storage of evidence.**
- d. ALL seized evidence, whether currency or property, must be accompanied by a state seizure form, State of Tennessee "Notice of Property Seizure and Forfeiture of Conveyance".
- e. If the amount of narcotics seized meets the criteria under Unauthorized Substance Tax Law, (more than 42.5 grams of Marijuana, more than 7 grams of any other controlled substance, more than 10 dosage units of any controlled substance) the officer should complete the unauthorized substance tax form, which is provided by the Property and Evidence Division and available at the property room, all

precincts and Warrants. This form should also accompany the evidence being deposited.

- f. After the suspect has been taken before a judge or magistrate and is in prisoner processing, the officer shall complete the state "Notice of Property Seizure and Forfeiture of Conveyance" form. The person in possession of the vehicle or other property shall be asked to sign the notice, and if he/she refuses the officer shall enter "refused."
- g. The state seizure form shall be distributed in the following manner:
  - 1) Court copy (original) - To judge to whom application is made for forfeiture warrant;
  - 2) D.O.S. Legal Office (white copy) – Immediately drop (along with other paperwork) in the box provided in the commissioner's office;
  - 3) Perpetrator (green copy) - Give to person in possession of vehicle or other property. Leave with person even if he/she refuses to accept;
  - 4) Officer (yellow copy) - For seizing officer's files; and
  - 5) Seizing Agency (pink copy) - Immediately drop (along with other paperwork) in the box provided in the commissioner's office along with copy marked D.O.S. Legal Office.
- h. Within five working days of the seizure, (Monday-Friday, excluding holidays), the officer involved shall go before the commissioner to obtain a forfeiture warrant. Note: (See Section D) Two copies of the Forfeiture Warrant and Affidavit in Support of the Forfeiture Warrant shall be included in the packet of forms which is immediately dropped in the box provided in the commissioner's office. This packet will also contain the two state seizure forms and copies of any other paperwork (e.g. arrest report, incident report, property sheet, etc). **This packet shall be immediately** dropped in the box provided in the commissioner's office.
- i. It is necessary to complete only one state seizure form per seized vehicle. One defendant may have multiple seizure forms and Forfeiture warrants. The property on the Forfeiture Warrant must match the property on the seizure form. This is true even if the seized property is kept at separate locations (e.g. a drug suspect's money at the Evidence Storage Section and vehicle at the Vehicle Impound Section).

## 2. Specialized Investigations Division Responsibilities

When forfeiture documents come to the Specialized Investigations Division/Seizure and Equipment Section, personnel assigned there shall abide by the provisions of the Specialized Investigations Division Standard Operating Procedures. Such procedures will be structured to ensure compliance with the deadlines mandated by statute.

### G. Obtaining Forfeiture Warrants

1. Seizing officers shall make every effort possible to identify the owners of seized property or conveyances. A copy of the state registration or a computer printout from the Tennessee Information Enforcement System (TIES) shall be attached to the forfeiture warrant.
2. Seizing officers shall go to the commissioner to make application for a forfeiture warrant within five (5) working days of the date of seizure. (Working days exclude state holidays.)
3. Blank forms (affidavit and warrant) are available from the Inventory Supply Unit. The form has the affidavit on one side and the warrant on the other.
4. If the commissioner refuses to issue the forfeiture warrant, the property must be immediately returned to the owner. The commissioner will sign the Denial Order located on the Forfeiture Warrant. **The seizing officer shall immediately notify the Specialized Investigations Division/Seizure and Equipment Section by telephone of the refusal, so that the property or conveyance may be returned. Further, the officer shall hand-deliver the refused warrant to the Specialized Investigations Division/Seizure and Equipment Section, or drop in the box provided in the commissioner's office.**
5. If the commissioner issues the forfeiture warrant, it shall be processed as follows:
  - a. Original - Left with commissioner (with the "COURT" copy of the seizure form);
  - b. Two copies – Immediately dropped in the box provided in the commissioner's office along with the copies of the seizure forms marked "D.O.S. Legal Office" and "Seizing Agency";
  - c. Other copies - As needed for case file, Court Appearance Section, etc.



6. The Specialized Investigations Division/Seizure and Equipment Section shall make notifications to the Evidence Storage Section and/or Vehicle Impound Section that the forfeiture warrant has been obtained or refused.
7. Forfeiture Warrants are available in the Inventory Supply Unit. For assistance in completing the forfeiture warrants, contact the Case Preparation Division or the Specialized Investigations Division/Seizure and Equipment Section.

#### H. Hearings

##### 1. Felony Forfeiture

Once a conveyance has been seized, the seizing officer will be subpoenaed to attend a hearing if the CID Forfeiture Supervisor and/or Office of the District Attorney is unable to arrange for a disposition with the defendant's or owner's attorney.

##### 2. Drug Forfeiture

Once property or a conveyance has been seized, the seizing officer will be subpoenaed to attend a hearing if the department's Legal Advisor is unable to arrange for a disposition with the defendant/attorney or owner/owner's attorney.

#### I. Driver License and License Plate Confiscation

1. The Tennessee Code Annotated authorizes local law enforcement agencies to confiscate Tennessee driver licenses that are currently revoked, suspended or canceled.
2. The statute applies **only** to Tennessee driver licenses, **not** licenses issued by other states, and **not** to "identification only" licenses, even though they may be revoked, suspended, or canceled. More specifically, licenses that are valid, restricted, expired, medical, eligible for reinstatement, valid photo card mailed, moved from Tennessee, or expired-medical, will **not** be confiscated.
3. Should the person having the license in question provide information that the reported status of the license may be incorrect; the confiscating officer should make an effort to contact the Financial Responsibility Records Section of the Tennessee Department of Safety during regular business hours, to verify that the license should be confiscated.
4. For each driver license or license plate confiscated, the confiscating officer must complete and process a Receipt for driver

license/license plates/registrations, State of Tennessee form SF-0826, so that the license is forwarded to the Tennessee Department of Safety **immediately**.

5. The "receipt" form used to expedite this procedure will not be used when submitting altered licenses, found licenses, expired licenses etc. In those instances, the license shall be handled as any other item of evidence using the procedures described in this order. If a person is found to be operating a vehicle fraudulently, for any reason, officers may also complete a FRAUDULENT LICENSE REPORT, State of Tennessee form SF-0894 and submit it along with the other paperwork. Upon receipt of this form, the Evidence Storage Section will forward it to the Driver Control Division of the Tennessee Department of Safety.
6. When completing the "receipt" form, State of Tennessee form SF-0826, the confiscating officer will use black ink, print legibly (except where signatures are required), and ensure that the following entries are correct:
  - a. The Agency Code is – 19062
  - b. The Agency Address is – P.O. Box 196339, Nashville, Tennessee 37219-6399
  - c. Under the receipt number (e.g., A-700104, B-801040, etc.), enter the complaint number assigned to the incident involved, or any citation number applicable to the incident involved.
  - d. **Do not abbreviate the agency name and address. The proper code must be listed to assure receipt of the fee involved.**
7. In the space provided on the "receipt" form, directly below the printed words "Financial Responsibility, Tennessee Department of Safety, Nashville, Tennessee", attach to the confiscated license.
8. Distribute copies of the "receipt" form accordingly:
  - a. The first copy (white) and the second copy (yellow) will be forwarded to the Records Division if a driver license was confiscated and to the Evidence Storage Section if a license plate was confiscated, who will forward the first copy (white) to the Department of Safety, Financial Responsibility Records Section, 1150 Foster Avenue, Nashville Tennessee, 37249-2000, with the confiscated license attached, and retain the second copy (yellow) as a matter of record.

- b. The third copy (pink) will be given to the person surrendering the license as a receipt for the license.

#### **6.10.120 Review/Removal of Property for Court and Other Purposes**

- A. Any review or removal of property categorized as evidence in a criminal prosecution will be limited to those persons directly involved in the investigation or prosecution effort. No other review of the property will be permitted without the presence or written authorization of someone directly involved in the investigation or prosecution.
- B. Any property removed for court or other authorized purpose shall be documented on a sign-in/sign-out form maintained by the Evidence Storage Section. The property shall be returned to the Evidence Storage Section as soon as its removal/presentation has served its purpose.
- C. If the court or other authority retains possession of the property, a receipt must be obtained and presented to the Evidence Storage Section without undue delay, in order to account for the whereabouts of the property. Failure to present such receipt will be grounds for corrective or disciplinary action.
- D. Evidence will be signed out the day of court **only**. No evidence will be signed out prior to the day of court that would cause the evidence to be stored overnight unless being retained by the court for storage. Employees must submit the property to the court or take the property back to the Property and Evidence Division once court is over for the day. The officer must check out and return the property each day it is needed for court purposes.
- E. The officer shall request the court clerk to provide a written document stating that the evidence was kept as part of the trial record. If the property is retained by the court, the employee must take the property receipt, given by the court, back to the property room so as to maintain the appropriate chain of custody documentation.

#### **6.10.130 DNA Evidence**

- A. DNA is contained in blood, semen, skin cells, tissue, organs, muscle, brain cells, bone, teeth, hair, saliva, mucus, perspiration, fingernails, urine, feces, etc, and can be collected from virtually anywhere. However, several factors can affect the DNA left at a crime scene, including environmental factors such as heat, sunlight, moisture, bacteria, and mold, as well as contamination from another source. Therefore, it is important that officers be aware of issues involved in the identification, collection, transportation, and storage of DNA

evidence. These issues are as important for the first responding officer as they are for the experienced detective and the crime scene specialist.

- B. A few cells can be sufficient to obtain useful DNA information to help a case, so it is important to identify items of evidence that may need to be collected, the possible location of the DNA on the evidence, and the biological source containing the cells. Remember that just because you cannot see a stain does not mean there are not enough cells for DNA typing. Further, DNA does more than just identify the source of the sample; it can place a known individual at a crime scene, in a home, or in a room where the suspect claimed not to have been. It can refute a claim of self-defense and put a weapon in the suspect's hand. It can change a story from an alibi to one of consent. The more officers know about how to use DNA, the more powerful a tool it becomes.
- C. Because extremely small samples of DNA can be used as evidence, greater attention to contamination issues is necessary when identifying, collecting, and preserving DNA evidence. DNA evidence can be contaminated when DNA from another source gets mixed with DNA relevant to the case. This can happen when someone sneezes or coughs over the evidence or touches his/her mouth, nose, or other part of the face and then touches the area that may contain the DNA to be tested. Therefore, officers shall avoid touching any area where it is believed DNA may exist, and avoid talking, sneezing, and/or coughing over any evidence. Once the emergency is over, officers shall exit the crime scene to prevent contamination of and preserve evidence.
- D. Given the sensitive nature of DNA evidence, officers should always contact a technical investigations officer when questions arise.

#### **6.10.140 Blood Samples and Sex Crime Kit Evidence**

- A. Procedure for Storing Blood Sample Evidence

Any member taking possession of blood sample evidence shall transport the sample to the Evidence Storage Section office for processing as any other item of evidence.

- B. Procedure for Storing and Maintaining Sex Crimes Kit Evidence

Any investigator causing a sex crime kit to be prepared from a victim or suspect shall, **within 48 hours of the preparation of the kit**, transport it to the Evidence Storage Section.

- C. Exigent Circumstances – Immediate Analysis Needed

1. In exigent circumstances, officers and investigators may hand-deliver items of evidence to the state crime labs, **only** after first processing the property into the Evidence Storage Section.
2. The officer or investigator, after completing all appropriate processing paperwork, shall then document removal of evidence from the Evidence Storage Section with Supplement Reports as required above.
3. It is the policy of the TBI Crime Lab to not accept property for analysis from the MNPDP unless it has first been properly entered into the MNPDP Evidence Storage Section.

#### **6.10.150 Audio and Video Recordings**

- A. All audio and video recordings utilized by personnel will be limited to one incident per medium of recording. Multiple statements can be recorded on the same medium of recording if the statements are related to the same incident. Example: Armed robbery; multiple witnesses; one complaint number; all can be put on one medium of recording.
- B. Statements of victims and witnesses to a crime can be recorded on one (1) audio or video medium of recording, provided the incident has the same complaint number.
- C. All recordings shall be made on new, unused medium of recording.
- D. Any audio or video recording of a defendant or suspect's statement will be limited to one recording or statement per medium of recording.
- E. Upon completion of an audio or video medium of recording, personnel making the medium of recording will immediately punch out any stops on the tape to prevent additional recordings.
- F. All medium of recording shall be labeled as follows:
  1. Complaint number;
  2. Type of medium of recording, (i.e., witness statement, defendant statement, crime scene video, etc.);
  3. Date and time made;
  4. Name of witness, defendant, or suspect;
  5. Name of officer making the medium of recording;
  6. Charge or offense; and

7. Original or copy.

G. Exceptions to Policy

1. This policy will not apply to any recordings whether audio or audio/video made by personnel assigned to the Specialized Investigations Division, SWAT / Negotiations Unit, and the Office of Professional Accountability.
2. It shall be permissible for officers with vehicle mounted audio/video recording equipment to record multiple incidents on one medium of recording as outlined in current policy governing vehicle mounted audio/video recording equipment.

H. Storage of Recorded Media

1. All original recordings, regardless of media, made pursuant to a criminal investigation that are to be transcribed will be turned over to the transcriber by the officer making the tape. The chain of evidence will be documented on an MNPDP Form 104, "Supplement Report."
2. Once the original recordings, regardless of media, have been transcribed, it will be returned to the officer/detective in charge of the case for delivery to the Evidence Storage Section. It is the responsibility of the officer/investigator in charge of the investigation to deliver the medium of recording to the Evidence Storage Section for storage.
3. Original recordings, regardless of media, which are not transcribed will be delivered, without undue delay, to the Evidence Storage Section as any other evidence in a case. This delivery will be made while on duty so as no overtime will be incurred, but in no instance should the delivery be made more than three (3) working days from the date recorded.
4. Whenever an officer is required to turn over an original recording to other personnel during the course of an investigation, said officer shall document the transfer on an MNPDP Form 104, "Supplement Form" filed under the same complaint number as on the media of recording. It is the responsibility of the officer/investigator taking possession of the recording to adhere to all of the provisions contained herein to include turning the same over to the Evidence Storage Section.

I. Storage of Still Photographs or Video Taken by Officers

1. On occasion, officers may need to preserve evidence in the form of photographs or video that is not collected by the Crime Scene

Investigations Section, but by the officer him/herself. It is permissible for an officer to take digital photos for minor or non-fatal incident that include, but are not limited to:

- a. Minor or non-fatal accidents;
  - b. Misdemeanor simple assaults;
  - c. Minor domestic violence related injuries;
  - d. Vandalisms;
  - e. Recovered evidence; and
  - f. Seized property
  - g. Officer citizen encounters or responses to calls for service
2. Any photographic or video evidence from major crime scenes, of serious injuries, or that may be required for prosecution of a felony offense relating to a personal crime or traffic related fatality should be collected by the Crime Scene Investigations Section. Based on the severity of the offense, as well as the complexity of the scene, should dictate whether an officer should utilize an MC-75, a Precinct Issued Camera or request a member of the Crime Scene Investigations Section or the Domestic Violence Division. Officers should correspond with their supervisor for determination. This shall not preclude officers from taking photographic evidence, prior to the arrival of Crime Scene Investigations Section or DVD, to augment pictures taken by such specialized units. It is realized that certain evidence may be lost as other elements arrive on the scene (Emergency Medical Personnel, Fire Dept., Public Works, etc.). Nor shall it preclude an officer from collecting video evidence of an incident or event
  3. MNPDP Form 113, "Patrol Photographic Evidence Information Card", shall be photographed first, when it is realized that photos will be taken at the scene and kept for evidence. A separate MNPDP Form 113 must be completed and photographed for each scene documented. The MNPDP Form 113 shall be kept by the investigating officer, in his/her case files.
  4. The MNPDP Form 113 is to include the general information of the incident that is necessary to distinguish it from other crime scenes and shall include the following:
    - a. Record the date and time;

- b. Record the complaint number and proper Ten Code/Type Call designation;
  - c. List the name of the victim and the address of the call;
  - d. Description of the photos taken; and
  - e. Put the name and employee number of the person taking the photos.
- 5. Regarding video evidence, where practical, the officer will identify his or herself, the date and time, and nature of the event.
  - 6. Evidentiary photographic images shall be downloaded prior to the end of the officer's tour of duty. Failure to do so shall be grounds for disciplinary action.
  - 7. Evidentiary photographs taken by patrol officers shall not be retained on any device, whether personally or departmentally owned, past the end of their tour of duty.
  - 8. Only personnel that have been properly trained shall be authorized to download photographic or video evidence into the proper secure server folder.
  - 9. MNPD personnel downloading photo/video images shall follow instructions outlined in Appendix 1 at the end of this policy.
  - 10. All photographs taken at an incident shall be stored in a single file as indicated above. If there are more than one image to be downloaded, all images shall be downloaded in the same file folder.
  - 11. Downloading evidentiary photographic images shall be accomplished via card readers placed at each precinct. Card readers located at police precinct locations shall be secured to prevent unauthorized access and shall be available to all supervisory personnel.
  - 12. A notation that photos were taken and downloaded onto the appropriate drive shall be made on all reports completed, to include but not limited to the incident, supplement, and arrest reports as well as the affidavit.
  - 13. Additional instruction and/or procedures contained in the Patrol-Standard Operating Procedure manual shall be followed.
- J. Copying of Audio and Video Recordings



1. The District Attorney's office may obtain a copy of the audio or video recordings stored by the Evidence Storage Section for the purpose of responding to pre-trial discovery motions and for trial preparation. The Assistant District Attorney making a request for a copy of a recording will do so by presenting MNPD Form 385, "Medium of Recording Copy Request Form" to the Evidence Storage Section which identifies the recording by complaint number, the officer/investigator; and the type of media requested, (e.g., crime scene, witness statement, defendant's interview, etc.).
2. The Evidence Storage Section will make copies of audio and video recordings requested by the District Attorney's office and release the copies to the Assistant District Attorney, or his/her designee. All micro-cassette recordings will be transferred to standard cassette tapes prior to releasing them to the District Attorney's office. A notation will be made on the Property and Evidence log of the copy and the recipient will sign the log. The District Attorney's office will periodically provide the Evidence Storage Section with an adequate supply of tapes or the means to replace tapes supplied to that office.
3. Audio and video recordings will be treated as all other items of evidence with access restricted to personnel who have the authority to review these items.
4. All original audio and video recordings, regardless of media, made by police personnel will be marked "Original" on the label and any copy will be marked "Copy."

**K. Recommended Recording Procedure**

1. At the beginning of the recording, the interviewer shall identify himself or herself, those present, and the purpose for which the recording is made.
2. Should it become necessary to stop the recording prior to termination of the interview or statement, personnel will announce the reason for the pause or stop; and when the recording is started again, the interviewer will record the date and time before proceeding.
3. When recording on an audio tape, personnel shall record on one side of the tape to prevent confusion and destruction of information recorded on the other track.

**L. Releasing Media to the Public**

1. Any release of media to the public or other law enforcement agencies for the purpose of identification or apprehension of

criminals, or for public safety shall be done in accordance with the established standard operating procedures of the Surveillance and Investigative Support Unit.

2. This provision applies to the publication of media for those purposes stated above by the Metropolitan Nashville Police Department only. Requests for media from any outside source, agency or entity shall be processed as any request for information or evidence in accordance with current policy and procedure governing the security of law enforcement files and records.
3. The District Attorney's Office can authorize the release of media to citizens by approving MNP Form 720, Request for Administrative Services (see current policy governing the security of law enforcement files and records).
  - a. A copy of the completed form with the approving signature from the District Attorney's office will be returned to the Evidence Storage Section.
  - b. Fees for duplication of media shall be charged in accordance with applicable Metro Ordinances.

#### **6.10.160 Alcohol and Tobacco Products**

- A. Occasionally, sworn personnel will encounter contraband alcoholic beverages or tobacco products. Most commonly this will occur during a search warrant service or other enforcement activity, but might occur during other police functions. When such contraband is located, the applicable statutes **require** police officers to seize the items. The following procedures will assist personnel in complying with these statutes. **When a question arises concerning enforcement of these statutes, personnel are directed to contact the Case Preparation Division, the Tennessee Department of Revenue, and/or the Tennessee Alcoholic Beverage Commission ("ABC").**
- B. Procedures
  1. Personnel shall make a determination if the item(s) will be seized as evidence or contraband. Procedurally, there is no difference. However, should the officer's actions ever be questioned, this determination will provide the officer the opportunity to explain for which purpose the item(s) were seized.
  2. Contraband will be seized whether or not an employee of this department will be prosecuting. The provisions contained herein will be followed.
- C. Disposal of Unclaimed Property

1. In disposing of "unclaimed" property stored by any component of the department property accumulated within storage facilities which no longer has evidentiary value (as determined by judicial or prosecuting authority), or which has not been claimed by someone having legal entitlement to possess or claim it, **applicable laws of this state will be strictly observed.**
2. Each component of the department involved in the storage of property shall develop and maintain its own Standard Operating Procedures Manual detailing provisions attending the disposition, or destruction, of unclaimed properties, based on laws and/or policies of the department and the Metropolitan Government.
3. Unless other disposition is authorized by law and/or required by policy of the department and Metropolitan Government, unclaimed property of any type shall be disposed of by means of a public sale (auction) held by, or on behalf of, the component having custody of the unclaimed property.
4. **Employees of the department are prohibited from buying or bidding, or directing or causing any bid, on any item being sold at a public sale or auction held by, or on behalf of, any entity of the Metropolitan Government.**
5. Furthermore, no agent or designee of any employee, or any member of an employee's "immediate family" (as defined by Civil Service Rules) will buy or bid on any property on behalf of the employee. (See current departmental policy governing employee department)
6. Items placed for public sale shall be cataloged and delivered to the appropriate Metropolitan Governmental office for proper disposal. Such items shall be documented and recorded in accordance to current MNPd standard operating procedures for the disposal of property at public sale.

## Appendix 1

# Uploading Crime Scene Photos

To secure the photos from MNPD Crime Scenes, the following procedure shall be used to upload Crime Scene Photos from MNPD officers.

1. Plug the Digital Camera or Memory Card into your computer.
2. Click on the Digital Acquire icon on your desktop.



3. When the program starts, press the folder icon to upload from a folder.

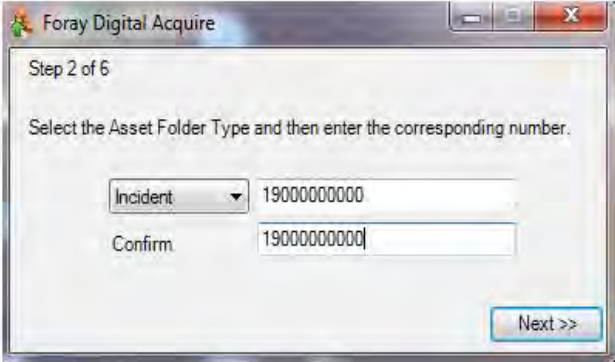


4. A dialog box will appear asking you to select the files to upload. Navigate to the Digital Camera/Memory Card device to select the photos for upload.
  - a. To select all files, press CTRL+A.
  - b. To select multiple files hold down CTRL and click the files you want to select.

Press "Open" when complete.



5. The next step requires an identifying number. Use the incident number associated with the case.



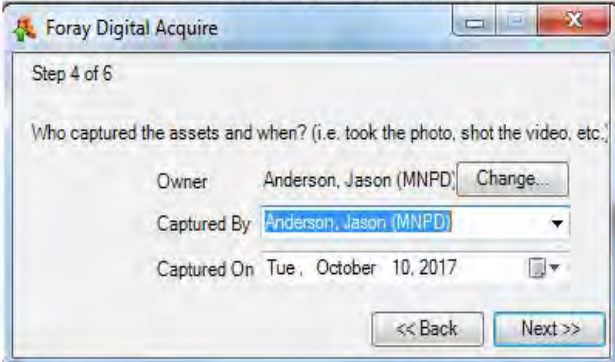
The screenshot shows the 'Foray Digital Acquire' window at Step 2 of 6. The title bar includes the application icon and standard window controls. The main area has the text 'Step 2 of 6' and 'Select the Asset Folder Type and then enter the corresponding number.' Below this, there is a dropdown menu labeled 'Incident' with a downward arrow, followed by a text input field containing '19000000000'. Below the input field is a 'Confirm' label and another text input field containing '19000000000'. At the bottom right, there is a 'Next >>' button.

6. If you are the first person to add photos to this incident number, you will need to supply a Crime Code and the Date of Crime. Use the closest crime code to your incident. If this box does not appear, move on to the next step.



The screenshot shows the 'Foray Digital Acquire' window at Step 3 of 6. The title bar includes the application icon and standard window controls. The main area has the text 'Step 3 of 6' and 'Choose the primary Crime associated with this Case/Incident and the date on which the crime was committed.' Below this, there is a 'Crime' label followed by a dropdown menu with a downward arrow. Below the dropdown is a 'Date of Crime' label followed by a date picker icon. At the bottom, there are '<< Back' and 'Next >>' buttons.

7. The next step identifies the owner of the videos, who captured the video, and when the video was captured. The Owner and Captured By fields need to be the officer that uploads the photos. Complete all fields appropriately and press Next.



The screenshot shows the 'Foray Digital Acquire' window at Step 4 of 6. The title bar includes the application icon and standard window controls. The main area has the text 'Step 4 of 6' and 'Who captured the assets and when? (i.e. took the photo, shot the video, etc.)'. Below this, there are three fields: 'Owner' with the text 'Anderson, Jason (MNP)' and a 'Change...' button; 'Captured By' with a dropdown menu showing 'Anderson, Jason (MNP)'; and 'Captured On' with a date picker showing 'Tue, October 10, 2017'. At the bottom, there are '<< Back' and 'Next >>' buttons.

8. In the next step, we will categorize the photos. Please see the guidelines below for categorizing photos. Categorization is important to ensure the proper security of Crime Scene Photos.



Categories:

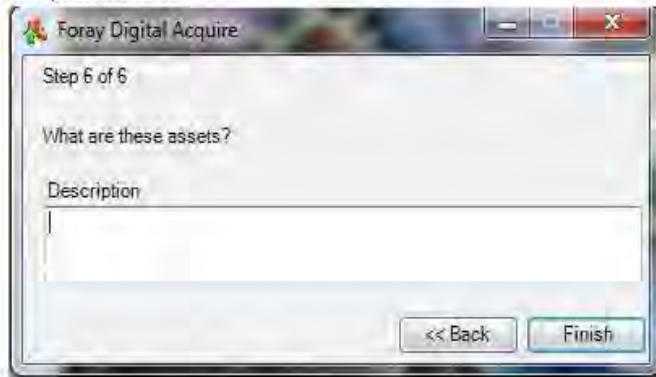
- **Auto Theft**
  - Any incident being investigated by the Auto Theft Division.
- **BWC Pilot Video**
  - ONLY for Body Worn Camera Pilot Video
- **Domestic Violence**
  - Any incident being investigated by the Domestic Violence Division.
- **Forensic Services – CSIS**
  - This category for CSI use only.
- **Forensic Services – EPU**
  - This category for CSI use only.
- **Hazardous Devices**
  - Any incident being investigated by the Hazardous Device Unit (HDU)
- **Homicide / Cold Case**
  - Any incident being investigated by the Homicide / Cold Case Division
- **Latent (envelope)**
- **Latent (known exemplar)**
- **Latent (latent impression)**
- **Latent (lift card)**
- **Latent (Misc)**
- **Latent (photograph)**
- **Latent (Worksheet)**
- **OPA**
  - Any incident being investigated by the Office of Professional Accountability.
- **Patrol – Crime Scene**
  - This category is to be used when there is not a specialized unit involved in investigating an incident.
- **Sex Crimes**
  - Any Sex Crime involving Juvenile or Adult victims.

**For Latent Print use ONLY!**

- **SID**
  - Any incident being investigated by SID.
- **Traffic Fatality**
  - Any incident being investigated by the Traffic Division.
- **Youth Services**
  - Any incident being investigated by Youth Services.

**\*\*Important: Please make sure to place any sensitive photos in the appropriate categories so they are secured properly. If unsure, please seek guidance from CSI before upload.**

9. In the last step you may add a description to this batch of photos. If desired, add a description and press Finish.



10. Wait for the upload to finish.
11. Delete the original photos from the digital camera/memory card device.



## **6.20 Vehicle Impoundment**

It shall be the policy of the Metropolitan Nashville Police Department that any employee involved in the impoundment process shall observe these and any subsequent provisions which may be enacted regarding the vehicle impound process. Each employee shall exercise every precaution to safeguard the vehicle, as well as its contents, and otherwise assure that the owner's or operator's personal and property rights are observed.

(Category: Unless otherwise noted or provided for in a provision of a separate policy, any violation of this policy varies with severity of offense.)

### **6.20.010 General Provisions**

- A. Vehicle impoundment amounts to the seizure of a person's property, either temporarily or, when authorized by due process of law, permanently. Therefore, each impoundment of a vehicle must be imposed in accordance with all applicable laws, legal pronouncements, and regulatory provisions.
- B. Before any vehicle can be legally removed and impounded, it must be in lawful custody; and its impoundment aimed toward securing and protecting both the vehicle and its contents.
- C. For the purposes of this order, a vehicle is considered in lawful custody and subject to lawful seizure when the owner or operator no longer has control of the vehicle, either because he/she is not present or because he/she is unable to make his/her own arrangement for the vehicle at the time.
- D. The impounding officer must be able to show that the impoundment is reasonable and necessary under the existing circumstances and that there was no other reasonable alternative.

### **6.20.020 Definitions**

- A. **Abandoned Motor Vehicle:** A motor vehicle that is:
  - 1. Over four (4) years old and is left unattended on public property for more than ten (10) days; or
  - 2. In an obvious state of disrepair and is left unattended on public property for more than three (3) days.



- B. **Alternate Action:** When an owner or operator of a vehicle, even though arrested, is able to make his/her arrangement for the custody of the vehicle, or if the vehicle can be parked or locked without endangering the public or obstructing traffic.
- C. **Immobile Motor Vehicle:** Any motor vehicle, trailer, semitrailer, or combination or part of a motor vehicle, trailer, or semitrailer that is immobilized and incapable of moving under its own power due to an accident, mechanical breakdown, weather conditions or emergency situation.
- D. **Unattended Motor Vehicle:** Any motor vehicle, semitrailer, or combination or part of a motor vehicle, trailer, or semitrailer, that is:
  - 1. On public or private property, unattended by the owner or authorized driver, and that interferes with or impedes the orderly flow of traffic; or
  - 2. Unattended due to the arrest of the driver.
- E. **Unattended Vehicle Notice (MNP Form 119):** A colored sticker used to give notice that the law authorizes the removal of illegally stopped or parked vehicles. This notice is generally utilized by the MNP to give notice of a violation and gives violators the opportunity to remove their vehicles and/or rectify the situation. The sticker also serves as a visual identifier that a vehicle has been checked by an officer.
- F. **Vehicle:** Every device in, upon, or by which any person or property is or may be transported or drawn upon a street, except devices moved by human power or used exclusively upon stationary rails or tracks.
- G. **Vehicle Impoundment:** Removing a vehicle from a street, alley, highway or thoroughfare to the nearest garage, or other place of safety, or to a garage designated or maintained by the department and/or the Metropolitan Government.

#### **6.20.030 Impoundment Authority**

- A. The Motor Vehicle Traffic Codes of the Metropolitan Government specifically authorize employees of the department to impound any vehicle parked, stopped, or standing upon any alley, street, highway, or thoroughfare within this jurisdiction when the vehicle is:
  - 1. In violation of any regulation or ordinance of the Metropolitan Government, except overtime parking violation;

2. Parked as to obstruct the orderly flow of traffic;
  3. Parked for a period of forty-eight (48) hours without current registration. Towing under section requires supervisory approval. Enforcement of this section shall generally be imposed by placing an Unattended Vehicle Notice Sticker (MNPDP Form 119) on the vehicle, so as to be towed after a period of forty-eight (48) hours.
  4. Before any vehicle is towed solely for an expired registration violation, the towing employee's supervisor must be called and respond to the scene to approve impounding the vehicle and to ensure arrangements are made for the safety of the occupants. The approving supervisor's name shall be noted on the Vehicle Towing Report (MNPDP Form 008);
  5. Disabled to the extent that it constitutes an obstruction to traffic and the person in charge of the vehicle does not provide for its custody and removal.
  6. The amount of time given is a matter of individual judgment based on location, type or condition of roadway, time of day, traffic conditions, and the degree of hazard presented.
  7. When the driver or operator of such vehicle has been arrested for driving under the influence of an intoxicating liquor in violation of Tennessee Code Annotated.
- B. Employees of the department are authorized to seize and remove any vehicle that constitutes the instrumentality or fruit of a crime, provided:
1. There is sufficient probable cause to support identification of the vehicle and/or its contents relative to its involvement in the crime; and
  2. Impoundment is justified under the circumstances to collect/preserve evidence of that crime; or seizure of said vehicle is clearly authorized by virtue of the offense charged, or
  3. If impoundment of the vehicle is otherwise absolutely necessary to expedite an enforcement or investigative action.
  4. Vehicles shall not be towed to a MNPDP crime lab facility without the approval of the on-duty Crime Scene Investigations Section (CSI) Supervisor.

- C. If the circumstances which brought the vehicle to the attention of the officer in the first place are such that the owner or operator, even though arrested, is able to make his/her own arrangement for custody of the vehicle; or if the vehicle can be parked and locked without endangering the public or obstructing traffic, such "alternative action" will be permitted rather than impounding the vehicle.
  - 1. Whenever the owner or operator is present and capable of making decisions, whether he/she is under arrest or not, and the circumstances do not otherwise justify impoundment of his/her vehicle, he/she must be advised of the aforementioned alternatives. Arrest of the owner or operator is not in and of itself sufficient; there must be reasonable cause to take the vehicle into custody.
  - 2. If the person designated to take custody is not licensed, or is incapable, or if the vehicle cannot be legally parked in a location that affords reasonable security, alternative action will not be allowed. Also, if the owner/operator refuses to sign MNPDP Form 233, Vehicle No Tow Request and Liability Release Report, no alternative action will be allowed.
  - 3. Juveniles are not authorized to sign MNPDP Form 233, Vehicle No Tow Request and Liability Release Report.
- D. Any unnecessary impoundment or misuse of this authority may be cause for the owner or operator of a vehicle to appeal any towing and/or storage charge paid, thus resulting in a direct financial loss to the Metropolitan Government.

#### **6.20.040 Circumstances of Vehicle Towing and Impoundment**

In determining what is reasonable and necessary to assure personal safety and Property rights of those affected by a decision to impound a vehicle, an employee shall observe the following provisions regarding:

##### **A. Occupants and Perishable, Volatile, or Hazardous Contents**

Whenever it becomes necessary to impound a vehicle having an occupant who, because of age, disability or other reason, cannot be left unattended (e.g. small child, handicapped person, animal, etc.) or having contents that, because of value, substance or other reason must be attended or secured as soon as possible in the interest of the owner or the general public (e.g. large quantity of perishable goods, etc.), the officer initiating impoundment, or his/her supervisor, shall also initiate efforts to protect/safeguard such occupants and/or contents prior to towing the vehicle. These efforts include:

1. In the case of occupants (person or animal), attempts will be made to contact other persons/agencies capable of assuming responsibility (e.g. relatives, friends, etc.). If such persons/agencies cannot come to the scene or the Vehicle Impound Section within a reasonable time, the occupant may be transported to the person/agency, subject to supervisory approval.
2. In the case of contents, attempts will be made to contact persons/agencies having a vested interest in same (e.g. receiving/shipping agent). If such persons/agencies cannot be contacted or come to the scene, the vehicle will be taken to the Vehicle Impound Section where the shift supervisor will assume responsibility and take reasonable measures to protect/safeguard the contents. Should alternative arrangements be made by an "authorized" person/agent, the shift supervisor will coordinate efforts with the person/agency designated by the authorizing person/agent.

**EXCEPTION:** A vehicle containing cargo of VOLATILE or HAZARDOUS MATERIALS (e.g. explosives, toxic chemicals, flammable substances, etc.) shall not be taken to the Vehicle Impound Section. The vehicle will be secured in a manner that will protect and safeguard the general public, the vehicle, and its contents. If necessary, the officer in charge shall request assistance from personnel or agencies specifically trained and authorized/designated to contend with such incidents.

3. When a vehicle is in lawful custody, any sensitive, valuable, high risk items (e.g. firearms, jewelry, money, laptops, cameras, IPODs, GPS systems, etc.), or evidence of a crime in an impounded vehicle shall be noted on the Vehicle Towing Report (MNPd Form 008), Incident Report (MNPd Form 100), and then transported to the Evidence Storage Section following current departmental guidelines on property and evidence.
4. The aforementioned items shall be taken to the Evidence Storage Section, by the impounding officer, for safe keeping. If it is determined that such items were inadvertently left in a vehicle, the impounding officer or appropriate supervisor will be notified and shall be responsible for taking immediate measures to secure those items.

## **B. Traffic Crashes**

Under circumstances where a vehicle is disabled due to a traffic crash and must be removed from the location, the vehicle will not be removed to the Vehicle Impound Section unless other provisions of this section are applicable (e.g. hit and run or stolen vehicle, vehicle involved in crime, etc.). Instead, when time and circumstance permit, the owner/operator of the vehicle will make his/her own arrangements, specifying the towing service and location where he/she wishes the vehicle to be towed; a Vehicle Towing Report (VTR) will **not** be completed in this situation.

A MNPDP Form 008, Vehicle Towing Report (VTR) shall be completed and the vehicle remanded to the custody of the “zone” wrecker service in the following situations:

1. When the officer determines that the “zone” wrecker service will resolve an emergency circumstance (e.g. major traffic congestion, hazardous condition, etc.) in a more efficient and safe manner, and the owner/operator will not sign the wrecker service form authorizing the tow;
2. The owner/operator on the scene does not specify a wrecker service, or will not sign the wrecker service form authorizing the tow; or
3. The owner/operator, or his/her agent, is not on the scene (e.g. transported to the hospital, etc.), and the vehicle must be towed.

**NOTE:** In addition to provisions outlined in B, 1, 2 and 3 above and pursuant to current policy, officers shall complete a MNPDP Form 008, Vehicle Tow Report (VTR), anytime a vehicle is towed pursuant to an arrest, criminal investigation, seizure or other such circumstances where the vehicle is remanded to the custody of the private wrecker service or Vehicle Impound Section.

## **C. Parking Violations**

1. If a vehicle is subject to impoundment under provisions herein outlining impoundment authority the applicable traffic parking citation will be issued at the time impoundment is initiated.
2. If the owner/operator is not present, the defendant's copy of the citation, along with designated copies of the towing report form, will be left with the vehicle.

3. If the owner/operator arrives and requests custody of the vehicle, officers should follow the provisions on Towing Procedure set out in this order. The citation shall be issued to the owner/operator requesting custody of the vehicle.
4. All vehicles towed by departmental employees for parking violations only will be sent to a private wrecker service lot.

**D. Registration Violations**

1. Generally, vehicles stopped during traffic enforcement with an expired registration should not be impounded. However if the registration has been expired for an unusually long time, and there is evidence the owner/operator has routinely operated the vehicle with knowledge of the expired registration (e.g. previous warning, citation, arrest, etc.), and the owner/operator has no reasonable explanation for failing to renew the registration, the vehicle should be impounded in order to prevent the offense from continuing.
2. Vehicles parked on any alley, street, highway, or thoroughfare for a period of forty-eight (48) hours without current registration may be impounded. Towing under this section requires supervisory approval. Enforcement of this section shall generally be imposed by placing an Unattended Vehicle Notice sticker (MNPDP Form 119) on the vehicle, so as to be towed after a period of forty-eight (48) hours.
3. Before any vehicle is towed solely for an expired registration violation, the towing employee's supervisor must be called and respond to the scene to approve impounding the vehicle and to ensure arrangements are made for the safety of the occupants. The approving supervisor's name shall be noted on the Vehicle Towing Report (MNPDP Form 008).
4. Vehicles towed for registration violations shall be taken to the Vehicle Impound Section.

**E. Abandoned Vehicles**

1. The towing of abandoned vehicles is generally the responsibility of the Department of Codes Administration. If an officer determines that a vehicle is not a traffic or safety hazard, or wanted by a law enforcement agency and the vehicle has been abandoned, notify the Department of Codes Administration by completing a MNPDP Form 271, Safety Hazard Notification. The Department of Codes

Administration will initiate procedures for notice and removal of the vehicle.

2. If the vehicle is subject to impoundment under provisions herein outlining impoundment authority the vehicle may be towed. If, however, the Department of Codes Administration has attached any form of an abandoned vehicle notice to the vehicle, that department shall be advised of the removal of the vehicle, the location to which the vehicle was removed, and the basis upon which the vehicle was impounded.
3. Any vehicle towed by the MNPd pursuant to this section will be taken to a private wrecker service lot.

#### F. Hit and Run and/or Stolen Vehicles

Under circumstances involving hit and run vehicles and/or stolen vehicles, the following provisions will be observed:

1. If it is determined that the vehicle has been involved in a hit and run, and the identity of the owner is not known, or the vehicle itself may be needed as evidence, it may be impounded pursuant to provisions herein governing vehicle holds. The vehicle shall only be impounded if it is of evidentiary value. However, should a custodial arrest be made and sufficient evidence gathered/secured from the vehicle and/or its owner/operator at the location where it is seized, provisions attending custodial arrest may then become applicable. These vehicles will be towed to the Vehicle Impound Section.
2. If it is determined that a vehicle is stolen, but not involved in another crime, it may be released to the rightful owner after it has been processed for evidence, provided the owner is present and signs the MNPd Form 100, Incident Report, indicating receipt of the vehicle.
3. When a stolen vehicle and/or license plate is released to the rightful owner at the scene of the recovery, officers shall adhere to the following provisions:
  - a. Transmit the recovery via MDC to all on-duty units equipped with MDC's and the Teleserve/MSV Unit per the current directive on Radio Communications.
  - b. Request a supervisor to immediately approve the recovery Incident Report, MNPd Form 100.

- c. Immediately hand deliver the approved Incident Report to the Records Division, so the vehicle and/or license plate can be removed from NCIC without delay.

**NOTE:** If a license plate is not recovered with the stolen vehicle, the officer shall document that information in the Incident Report for entry into NCIC. Similarly, it should also be documented in the incident report if a license plate is recovered when the stolen vehicle itself is not.

- d. Remain at the records counter until confirmation of removal from NCIC is given.

**IMPORTANT:** Citizens shall be informed that their vehicle and/or license plate may be shown as stolen in police computers until such time as it can be removed from NCIC, which could result in a felony stop and detention to confirm its recovery.

4. It shall be the responsibility of the Records Division to remove stolen vehicles and/or license plates from NCIC immediately upon receipt of a MNPDP Form 100, Incident Report, which is submitted pursuant to this section. Records Division Personnel shall give confirmation of NCIC removal to the submitting officer without delay.
5. Any vehicle not processed where it is seized will be towed to the Vehicle Impound Section and processed prior to releasing it. The officer causing the vehicle to be impounded will cause the Technical Investigation Section to be notified as soon as possible, and complete/process a MNPDP Form 234, Vehicle Hold Report.
6. Any officer that recovers a vehicle bearing a stolen license plate not registered to the recovered vehicle will remove that license plate. The license plate will be submitted to the Evidence Storage Section along with any required reports.

**NOTE:** Any person examining the vehicle for evidence, regardless of the location, will sign the towing report form or other applicable report form(s), taking every precaution to preserve all evidence.

#### G. Damaged, Burned, and Submerged Vehicles

1. Under circumstances involving a vehicle that has been damaged beyond repair (e.g. burned, submerged in water, etc.), the vehicle



will not be impounded. If the vehicle is not a safety or traffic hazard, it shall be left at its current location.

2. If it can be identified and/or confirmed as stolen, a MNPD Form 100, Incident Report, will be completed by the recovering member. The vehicle shall be towed and the Incident Report will be forwarded to the Auto Theft Unit for further action.
3. If a vehicle is cannot be identified as a stolen vehicle including due to damage to the areas where VIN number can be read by officers; the reporting officer shall complete a MNPD Form 100 "Found Property Report", tow form, and a hold form on the vehicle for Auto Theft. This process allows proper forensic analysis to be completed on the car to locate secondary VINs or derivative VINs located in other areas.
4. If the vehicle has been removed from the water for a rescue attempt, complete MNPD Form 008, Vehicle Towing Report and have the vehicle towed to a private wrecker service lot. If the vehicle is not a safety hazard or does not need to be removed from the water for a rescue attempt, follow the provisions in above sections 2 or 3. If circumstances necessitate a hold on the vehicle refer to provisions within this policy governing vehicle holds.
5. Whenever possible, the commander of the Auto Theft Unit shall cause such vehicles to be removed by the owner and/or insurance company at their expense.

**NOTE:** To avoid unnecessary towing costs in circumstances involving a submerged vehicle, the investigating officer will not request towing services until such time as the vehicle is actually ready to be removed from the location.

#### H. Custodial Arrest

The officer making an arrest shall allow the arrested person to:

1. Leave the vehicle within the immediate area of the arrest in a legal parking location.
2. Turn over the custody of their vehicle to another person present and not placed under arrest that is capable of providing for the custody and removal of the vehicle.

This will require completion of MNPD Form 233, Vehicle No-Tow Request and Liability Release Report. Any question as to the

security afforded by the parking location or capability of a person designated to take custody of the vehicle is left to the discretion of the officer and/or his/her supervisor.

3. Refer to provisions herein governing Storage Locations of Towed and Impounded Vehicles for guidance on the appropriate locations for the towing of vehicles involved in arrest situations.

I. Mass Towing Operations

1. During times of snow, icy roadway conditions, or other disaster type situations where large numbers of vehicles have to be towed, officers will complete MNPDP Form 008, Vehicle Towing Report; and the vehicle will be transported to a private wrecker service lot.
2. In non-disaster situations, when towing numerous vehicles, permission of the shift supervisor at the Vehicle Impound Section is required before sending the vehicles to the Vehicle Impound Section. If the vehicles are abandoned, follow the above procedure for abandoned vehicles.

J. Private Property Towing

If a vehicle is not wanted by a law enforcement agency, vehicle towing on private property is the responsibility of the property owner.

K. Bicycles

Bicycles will be transported to the Vehicle Impound Section by police vehicles. Bicycles will not be towed by a wrecker. If an officer cannot place a bicycle in their vehicle, the officer should attempt to locate on-duty personnel using a truck/van, or a bicycle patrol officer with a bicycle transporting rack on their vehicle for assistance.

L. Crime Lab Processing

1. All requests for vehicles requiring evidence processing at an MNPDP crime lab facility require authorization from the on-duty Crime Scene Investigations Section (CSI) Supervisor.
2. Personnel requesting a vehicle to be towed to an MNPDP crime lab will document the justification for such on a MNPDP Form 234, Vehicle Hold Report, and shall follow the provisions within this policy governing vehicle holds.

3. Personnel initiating the tow shall be responsible for maintaining a chain of custody with the vehicle and shall ensure it is escorted by MNPD personnel to an appropriate location for the processing of evidence.

#### **6.20.050 Towing Procedure**

A. Any Officer initiating impoundment of a vehicle shall:

1. Advise the Emergency Communications Center of their location, and request a towing service detailing any circumstances affecting the action taken such as emergencies, additional equipment needed to tow the vehicle, etc. Considering the location, the Emergency Communications Center will notify the privately contracted "zone" wrecker, relaying all pertinent information. Only those services approved by the Taxicab and Wrecker Licensing Board will be used. A current list of "approved" services and the geographic area for which each is contracted will be maintained by the Emergency Communications Center.

**NOTE:** To avoid unnecessary towing costs, towing services will not be requested until the vehicle in question is actually ready to be towed.

2. Complete all applicable sections and sign MNPD Form 008, Vehicle Towing Report. The time line should reflect the time the towing service arrives on the scene. The officer will then advise the wrecker driver of the condition and contents of the vehicle, allowing the attendant to conduct their own inventory and/or inspection of the vehicle.
3. When the keys to the vehicle are available, the officer shall give the key(s) needed for operation and inventory, and remote if available, to the wrecker driver. All other keys shall be retained by the arrestee/owner. The keys will then be transferred by the wrecker driver to either the Vehicle Impound Section or the private wrecker lot, whichever is applicable.

**NOTE:** Officers shall note on MNPD Form 008, Vehicle Towing Report (VTR), the number of keys and/or remotes given to the wrecker driver.

4. Have the wrecker driver sign the towing report form when the vehicle is ready to be transported. Upon signing the form, the attendant will assume full responsibility for the vehicle, its condition,

and its contents, until such time as it is accepted at the Vehicle Impound Section or other authorized disposition occurs.

**NOTE:** Wrecker services are authorized by the Metropolitan Transportation and Licensing Commission to charge additional fees for services such as time on scene over an hour, use of multiple and/or larger wreckers, and disconnecting drive shafts of large trucks. Wrecker services have the opportunity to make a notation on MNPDP Form 008, Vehicle Towing Report (VTR) when they sign the document and the officer's signature verifies the services rendered.

5. Distribute the Vehicle Towing Report (VTR), MNPDP Form 008, as follows:
  - a. When a vehicle is towed to the Vehicle Impound Section:
    - 1) The pink copy of the VTR shall be retained by the impounding officer and processed in accordance with standard departmental mail procedures.
    - 2) If the owner/operator of the vehicle is present, he/she will be given the cardboard copy. If the owner/operator is not present, the cardboard copy shall be given to the wrecker driver.
    - 3) Give all other copies, as well as any traffic parking citation that may have been issued, to the wrecker driver to accompany the vehicle.
    - 4) The wrecker driver will retain the wrecker company copy (yellow VTR copy) and will submit the remaining forms of the VTR to the Vehicle Impound Section.
  - b. When a vehicle is being towed to a location other than the MNPDP Vehicle Impound Section (i.e. a private wrecker service lot):
    - (1) The officer shall only give the service attendant the wrecker company copy (yellow copy) and owner copy (cardboard copy) of MNPDP Form 008 (Vehicle Towing Report).
    - (2) All other copies shall be retained by the impounding officer and processed in accordance with standard departmental mail procedures.

6. Remain at the location until the vehicle is actually removed by the towing service.
  - a. If an owner arrives prior to the wrecker driver *completely* attaching the vehicle to the wrecker, he must drop the vehicle with no charge.
  - b. If the owner arrives after the vehicle is *completely* attached, to include the safety chains (which is usually the last step in the process) then the owner is subject to a fee as established by Metro ordinance. (A vehicle shall be deemed completely attached if every procedure required to secure the vehicle to the wrecker or wrecker equipment so that the vehicle may be safely towed has been completed at the time the owner or operator arrives, including the attachment of any safety chains.)
  - c. If, on the other hand, the vehicle is actually in motion and terminating the process would disrupt the orderly flow of traffic, or would seem “unreasonable” under existing circumstances, the officer will proceed with the impoundment.

**NOTE:** When a vehicle is released during the towing process, the officer will obtain the owner/operator’s signature and driver license number on the towing report form, and submit all copies of the form to their supervisor at the end of their shift. Should the owner/operator refuse to sign for release, the officer will impound the vehicle.

- B. Whenever a vehicle is towed at the request of a MNPd officer and the vehicle is sent to the private wrecker service’s lot, the officer shall immediately send an AM Message on the Free Form Query page of the ARMS Portal to the Tow Call Center. The message shall contain the Make, Model, Color, License Number, VIN, the location from which the vehicle was towed, and the location where the vehicle was taken.

In the event that the officer does not have access to an MDC, the officer shall call the Tow Call Center by phone or radio on the Records/Warrants Channel, and inform them of the tow and all required information stated above. The officer can reach the Tow Call Center at 615-862-7146.

#### **6.20.060 Storage Locations of Towed and Impounded Vehicles**

Different situations will dictate whether a vehicle shall go to the Vehicle Impound Section or private wrecker service lot. This section identifies appropriate locations for vehicles to be towed when initiated by members of the MNPd. This section should only be used for guidance on where to

tow vehicles, the decision to tow a vehicle shall be made in accordance to the specific provisions herein this policy. Provisions for “alternate action” as governed by this policy and the use of MNPD Form 233, Vehicle No-Tow and Liability Release Report shall also be followed prior to the towing of a vehicle. A vehicle that is part of a criminal investigation shall not be towed unless it is of evidentiary value.

A. Unless circumstances dictate otherwise, vehicles involved in the following situations should generally be towed to the Vehicle Impound Section:

1. Arrests for driving without a valid driver's license.
2. Arrests for driving under the influence (DUI).
3. Registration violations.
4. Hit and Run vehicles.
5. Stolen vehicles.
6. Any vehicle with a Hold and/or being Seized.

B. Unless circumstances dictate otherwise, vehicles involved in the following situations should generally be towed to the private wrecker service lot:

1. Vehicle involved in crashes
2. Parking Violations
3. Abandoned Vehicles
4. Mass towing during times of inclement weather or disaster
5. Submerged vehicles subsequent to a water rescue only
6. Arrests not specified in above section A when no alternate action is available

**NOTE:** Any question as to the appropriate location to tow a vehicle should be referred to the Vehicle Impound Section.

#### **6.20.070 Inventory**

A. When a vehicle is in lawful custody, and prior to impoundment, an officer shall inventory the contents of that vehicle so as to protect:

1. The owner/operator's property; and
2. The officer and the department from unfounded claims that may result in liability to owners/operators who say property was taken or damaged while their vehicle was in custody; and
3. The officer and others present from dangerous materials.

- B. To that purpose, a vehicle inventory is permitted without a warrant or consent of the owner/operator of the vehicle. The extent of the inventory depends upon the circumstances that caused the vehicle to be in custody whereas:
  - 1. If due to a parking violation, or other circumstances where authority to enter into the interior of the vehicle is limited, a cursory survey will be made of the areas exposed to "plain view" or accessible to a thief (e.g. over sun visors, under front seat, unlocked glove box, other "unlocked" areas and containers); and items of apparent value will be itemized on applicable reports, and protected as each item demands and circumstances permit.
  - 2. If incidental to an arrest or criminal investigation, and keys to the vehicle are present, the inventory will be extended to areas made accessible by said keys (e.g. locked glove box and trunk) and any "unlocked" container(s) located therein.
  - 3. With or without keys, an inventory should be limited to areas where personal items could be stored.
- C. Any contraband and/or fruit or instrumentality of a crime discovered during a vehicle inventory may be seized and the person in possession of the vehicle charged accordingly.
- D. When a vehicle is in lawful custody, any sensitive, valuable, high risk items (e.g. firearms, jewelry, money, laptops, cameras, IPODs, GPS systems, etc.), or evidence of a crime in an impounded vehicle shall be noted on the Vehicle Towing Report (MNPd Form 008), Incident Report (MNPd Form 100), and then transported to the Evidence Storage Section following current departmental guidelines on property and evidence.
- E. The aforementioned items shall be taken to the Evidence Storage Section, by the impounding officer, for safe keeping. If it is determined that such items were inadvertently left in a vehicle, the impounding officer or appropriate supervisor will be notified and shall be responsible for taking immediate measures to secure those items.
- F. If the vehicle is towed, the actual inventory, including an inspection for damages and missing accessories or parts, will usually be conducted at the time the vehicle is taken into custody, so as to establish a record of accountability prior to other persons handling the vehicle. Such findings shall be noted on the towing report form and presented to the towing service attendant so that he/she might conduct their own

inventory and inspection prior to signing the form and assuming responsibility for the vehicle and its contents.

- G. Upon arrival at the Vehicle Impound Section, and prior to being accepted from the towing service, the vehicle will be inventoried again and inspected by the receiving employee so as to confirm the condition of the vehicle and its contents. Should any discrepancy arise, it will be brought to the attention of the towing service personnel. If the discrepancy cannot be resolved then and there, applicable complaint provisions will be observed.
- H. If the vehicle is not towed or an alternative action is taken (i.e. vehicle parked or given to custody of another person, with a MNPDP Form 233 Vehicle No-Tow Request and Liability Release Report completed), no inventory will be made.

#### **6.20.080 Vehicle Holds**

- A. An officer causing a vehicle to be impounded may also cause the Vehicle Impound Section to “hold” that vehicle for further investigation/examination by:
  - 1. Indicating the purpose and/or source of further investigation or examination on the towing report form; and
  - 2. Completing MNPDP Form 234, Vehicle Hold Report including the signature of approving supervisor.

**NOTE:** Any other vehicle “forfeiture papers” (e.g. felony forfeiture, notice of seizure, etc.) must be received by the Vehicle Impound Section within 24 hours of receipt of the towing report and hold report forms.
- B. Such detention, or “holds”, will usually be initiated at the time the vehicle is towed, with both reports forms forwarded with the vehicle to the Vehicle Impound Section.
- C. Vehicles may be detained or held for up to seventy-two (72) hours; and will not be released without authorization from either:
  - 1. The officer causing the hold to be placed on the vehicle; or
  - 2. The officer-in charge of the investigative element to which the hold is directed.



- D. To determine how long the vehicle should be held, the officer-in-charge of the notified investigative element will cause the circumstances surrounding the vehicle to be investigated as soon as possible and then notify the Vehicle Impound Section to either extend or cancel the hold. An extended hold may be authorized for up to thirty (30) days with the approval of the Division Commander of the officer causing the hold. If no further information is received by the Vehicle Impound Section after seventy-two (72) hours of the time the vehicle is received at the lot, the vehicle may then be released.
- E. No vehicle marked "Hold for Vice" will be held for more than 72 hours, unless a Notice of Seizure of Vehicle or Other Property is received by the Vehicle Impound Section. When such notice is received, the vehicle will be held pending notice of release by the investigating authority. If such notice is not received, the vehicle may be released after 72 hours from the time it was received. Prior to any release, the appropriate investigating authority will be contacted.
- F. Unless it is held pursuant to statutory authority or court order, a vehicle will not be held in excess of thirty (30) days.

#### **6.20.090 Other Property**

When possible, found property items, debris, or other recovered items (newspaper racks, manhole covers, grocery shopping carts, safes, lawnmowers, etc.) will not be towed by wrecker to the Vehicle Impound Section. An attempt should be made to locate the property owner, and have them make provisions for recovering the property. If property has to be transported, when possible, the property should be transported by police vehicle or notify the Department of Public Works for assistance.

#### **6.20.100 Control Provisions**

- A. To ensure that vehicle impoundments imposed by the department are justified or that alternative actions allowed are clearly adequate for the protection of all property involved, each decision in that regard will be based upon these and other applicable provisions. Should there be any doubts as to the proper course of action; the initiating officer will request assistance from their supervisor. If further evaluation of the situation is necessary to make a proper decision, the supervisor will respond to the location.
- B. Causing or allowing a vehicle impoundment or any alternative action which cannot be justified, or failure to observe these and other provisions applicable to vehicle impoundment, shall be grounds for corrective or disciplinary action.

- C. At no time will any employee convert to their personal use any vehicle or property that has been impounded or is being stored at the Vehicle Impound Section. Only property which has been properly and legally transferred to the department will be used for official purposes. No employee of the department shall buy or bid on any item being sold at a departmental public sale (auction) except as authorized by a government policy.

## **Title 7: Fiscal and Grants**

### **7.10 Grants, Donations and Legislation**

#### **7.10.010 Purpose**

From time to time, additional funds become available for departmental projects by way of grants. These funds usually come from public sources (federal, state, or local agencies). At times, funds may become available through private sources (foundations, corporations, professional associations, etc.).

Additionally, pursuant to the Metropolitan Code, all departments, boards and commissions may accept and expend gifts/donations (Unconditional or unrestricted, from the perspective of the donor, transfer of assets) valued at \$5,000 or less.

The purpose of this order is to explain the procedures that are necessary to carry out the grant process as well as the processing of legislation that concerns the department.

#### **7.10.020 Definitions**

- A. **Grant:** An award to the department of personnel, equipment, support, or information, by an agency or individual for a specific purpose.
- B. **Legislation:** Any ordinance or resolution to be presented to the council or the state legislature by a police employee on behalf of the department, regardless of fiscal impact.
- C. **Donation:** For the purposes of this order; an act of presenting something of value (funds, services, new or used goods, livestock, etc.) to be utilized by the recipient to benefit the recipient organization. Donations may be given without stipulation or requirements may be made by the donor as to how/when donations must be utilized.

#### **7.10.030 General Provisions Regarding Grants and Legislation**

- A. Any component or employee acting on behalf of the department seeking council action on a grant, resolution, ordinance, or any other type of legislation that requires council action must complete a Legislation Tracking Form before the request may be submitted. The form is available from the Metro Legal Department or the Supply Section. The form must be completed regardless of the fiscal impact on the department. After completion the form must be submitted to the

Strategic Development Division for review. It will then be forwarded to the Chief of Police, Metro Finance Department, Metro Legal Department, and the Office of the Mayor for final approval.

- B. Any component or employee acting on behalf of the department seeking legislative action on any issue shall present a proposal, via the chain of command for submission to the Strategic Development Division for review.

#### **7.10.040 Specific Provisions**

- A. In order to allow the Grants Unit to consider all factors, it is recommended that all bureau commanders submit a needs assessment to the Strategic Development Section, Grants Unit of the Strategic Development Division semi-annually. When grant funds become available, the Grants Unit shall utilize this and all other available data in order to make a determination as to where the grant funds will be best utilized.
- B. For the purpose of accountability and record keeping, it is necessary that all information pertaining to funds requested from external sources be kept in one location. The Strategic Development Section, Grants Unit is designated as the location where such records and information will be kept.
- C. Each application shall be approved by the bureau commander to which the employee is assigned. After approval it must be submitted to the Strategic Development Section, Grants Unit, along with a completed Legislative Tracking Form. The Grants Unit of the Strategic Development Division will forward a copy of the grant request to the Chief of Police. The Legislative Tracking Form will be submitted to the Police Finance Manager by the Grants Unit. The Grants Unit will assist employees wishing to submit grant requests. Prior to submitting a request, employees should:
  - 1. Designate a project director;
  - 2. Identify the problem;
  - 3. Propose a solution to the problem;
  - 4. Provide support and/or statistical data for the proposal;
  - 5. Designate manpower, equipment needs, etc.; and

- 6. Estimate the cost of proposal.
- D. If the request is not grants related, Grants Unit personnel will assist in the completion of the Legislative Tracking Form, however, the commander of the component making the request will be responsible for submitting it to the Police Finance Manager.

**7.10.050 Grants Unit**

- A. Any grant application/proposal requires review and analysis to determine its feasibility. Such review will determine if the proposal is consistent with department goals and, if implemented, what effect it would have on the department's present and/or future budget.
- B. The Grants Unit shall be the component designated to review all grant proposals. After completing their review they shall forward their findings to the commander of the bureau submitting the proposal, the commander of the Administrative Services Bureau, the Police Finance Manager, and any other employees deemed necessary to accomplish the review process.
- C. The Grants Unit will evaluate the recommendations of the persons listed above and recommend approval or disapproval to the Chief of Police.

**7.10.060 Gifts And Donations**

- A. Pursuant to the Metropolitan Code, all departments, boards and commissions may accept and expend gifts/donations (Unconditional or unrestricted, from the perspective of the donor, transfer of assets) valued at \$5,000 or less.
- B. Gifts and donations valued above \$5,000 to all departments, except those specifically granted authority to accept gifts/donations as authorized in the Metro Code; may be accepted and authorized for expenditure by Metro Council via a Resolution.
- C. Grants or conditional/restricted gifts or gifts requiring formal conditions or contracts may require additional consideration and review. Refer to Metropolitan Government of Nashville and Davidson County, Finance Department Policy: #42 for additional guidance (available at Police Fiscal Affairs offices).
- D. An employee of the department requesting to accept an unconditional unrestricted gift to the department or otherwise on behalf of the

department shall complete MNPB Form 186 for review and approval prior to formal acceptance of the gift or donation.

## **7.20 Fiscal Affairs Procedures**

The purpose of this order is to establish guidelines for the handling of all fiscal matters concerning the department. Included are responsibility for fiscal management, budget preparation procedures, accounting procedures, position control procedures, cash management, non-cash fiscal management, audits, purchasing, emergency purchasing and emergency appropriation of fund transfers.

### **7.20.010 Responsibility**

- A. In accordance with Section 34-1-7 of the Charter of the Metropolitan Government of Nashville and Davidson County, Tennessee, the Chief of Police shall have the ultimate authority and accountability over all fiscal matters of the department.
- B. The Chief of Police has designated the Police Finance Executive Administrator as the person responsible for the proper administration and general management and control of all fiscal matters of the department.

### **7.20.020 Budget Preparation**

- A. It shall be the responsibility of each bureau, division, and section commander to develop a proposed budget for their component on an annual basis. The planning process will begin with the development of goals and objectives for your specific area of responsibility. The Fiscal Affairs Bureau will email each program the necessary forms required to prepare your budget and give deadlines which the materials will need to be returned to the Fiscal Office. The forms needed to prepare your budget will be Revenue-Form A, Improvements-Form B, Non-salary requests-Form C, Reductions-Form E, Operating Capital-Form H, Capital Improvement Requests-Form F, and 2 year future budget Form X.
- B. These budgets form submissions shall be submitted through the chain of command. The bureau commander will ultimately review and present them to the Police Finance Executive Administrator who will submit to the Chief of Police for consideration and final budget submission to the Office of Management and Budget.
- C. The MNPDP Budget manual has been developed to provide guidance and instruction in developing the current budget requests for your program within the Metropolitan Nashville Police Department (MNPDP). All programs are to submit the required forms (General Fund and all other Funds) for all expenditures and revenues collected. Questions

about this process or clarification of the information provided should be directed to Fiscal Affairs Bureau/Finance Division at 862-7363.

- D. In general, the Metropolitan Nashville Police Department is made up of over 40 programs from Executive Leadership to each Precinct. Funding is allocated and managed for these programs through over 100 business units not including capital projects. There are over 20 different revenues included in the development of the annual budget including grant awards.
- E. A budget is a description of a financial plan. It is a list of estimates of revenues to and expenditures for a stated period of time.
- F. The budget is a policy document that outlines how the MNPDP plan to use its resources (positions/FTE and funds) to provide services to the community. It represents what the MNPDP sees as the costs for providing services by program area to accomplish department goals and to meet result matters performance measures. The approved budget is actually a Metro Ordinance that provides the allocations which enable departments/agencies to accept revenue and expend funds as applicable. It generally represents the policies and goals of the city and county for a fiscal year. The fiscal year begins July 1st and ends June 30th.
- G. Generally, allocations are based on need for the service and the costs to deliver services. All requests are limited by available revenue and certified projections of those revenues. The Police Department is highly reliant on the General Fund for the funding allocations for its services. As such, when additional funding is requested, our needs have to be weighted with the needs of the city and other departments. The Mayor must propose a balanced budget (i.e. revenues estimates equal expenditure estimates) to the Metro Council. Metro Council then has an opportunity to review and make revisions to the budget and then must approve a balanced budget by June 30th.
- H. For MNPDP, each budget is to be evaluated by the Program Manager. The need for each program is to be articulated to include level of funding needed to support the program and how the cost is estimated.

#### **7.20.030 Preparing Program Budget For Submission**

- A. Operating requests are for the support of the general operations of your program to include people and non-salary items such as supplies. There are several items that need to be completed in preparing your programs budget request. The following is a list of the six forms/documents:



1. Revenue – Only if your program is responsible for managing a revenue account(s): Revenue projections – Form A
  2. Improvement - Only if additional resources are requested:
    - a. Request changes in personnel allocation funding – Form B
    - b. Non-salary detail budget form – Form C
  3. Reduction 5%, 10% and 15% Plans – Required: Reduction Plan - Form E
  4. Operating Capital (or 4%) – Optional: Operating Capital Requests – Form H
  5. Capital – Optional: Capital Requests – Form F
- B. Please note that there is no requirement for program narratives.
- C. These forms are in Microsoft Word and Excel format and will be emailed to each Program Manager.
- D. Detailed information on the FTE allocation of positions in your program and the non-salary detail budget form will be emailed in a separate Excel file and Microsoft Word file respectively. The non-salary budget information file will reflect the current year final approved budget information in the baseline amounts.
- E. In anticipation and preparation of the submission of the Department's annual budget to the Mayor's Office and Metro Finance, Fiscal must have an internal process and deadlines for program requests to be reviewed and analyzed. As such, each program should begin preparing for their annual Fiscal Year budget request and submit all forms to Fiscal Affairs Division by deadline date set by Fiscal Affairs Office.
- F. Once the Program Manager has obtained approval from their respective chain of command, all information and forms should be submitted via email as an attachment to Police-Budget Submission mailbox. Once received, each submission will be reviewed and analyzed. Any information to support requests should be included in the submission. Current year and prior year expenditures will be reviewed as well.
- G. The Department will submit the requested budget (including capital projects, operating, capital, and Public Investment Project (pip) to the Mayor's Office and Metro Finance for review and approval by the deadline imposed by Metro Finance (February). At this time specific dates are not yet published. Once there, it is reviewed and the Mayor's Proposed Budget is prepared and submitted to Metro Council by mid-March for the operating budget.

- H. Operating Capital and the Capital Projects budgets are reviewed in a different timeline:
1. Operating Capital budget requests are approved based on the ability of the City to fund the requested projects.
  2. Capital Projects budget requests are submitted on forms to General Services-Real Property for review/approval and must be included in the Capital Spending Plan to be considered for funding. Funding for projects is appropriated separately in the Capital Budget Plan. Depending upon the available revenue, these requests can be funded at any time in total or in part.
- I. Below is an example timeline of events pertaining to the submission of the Operating Budget by the Department based on the prior year's schedule. The actual deadlines are anticipated to be received by the Department from Metro Finance in December or January.

<b>Date</b>	<b>Event</b>
January	Budget Kick-Off Meeting
January	Operating Budget Instructions Released
February	All Budget Request Forms Due from Department to Metro Finance
February	Revenue Estimates Due from Department to Metro Finance
February	Program Performance Targets for FY Due
Late March –April	Mayor's Departmental Budget Hearings
May	Mayor's Recommended Budget Presented to Metro Council
May - June	Departmental Budget Hearings with Metro Council
June 30	Deadline for Budget Approval

#### **7.20.040 Revenue Projections – Form A**

- A. The following programs are required to submit the Revenue Projection Form A:
1. Training Program
  2. Records Program
  3. Special Investigations Program (Task Forces, Special Revenue)
  4. Human Resources Program (SEU)
  5. Vehicle Impound Program
  6. Criminal Investigations Program – (Task Forces, Special Revenue)

7. Investigative Task Force Program (SID-ATF, DEA, Drug Enforcement, ICE, OCDETF; CID-Violent Crimes; Warrants – Fugitives Task Force; )
  8. MDHA Task Force Program
  9. Traffic Program
  10. School Resources Program
  11. Crime Analysis Program (TN Funded Programs – Internet Crimes Against Children)
  12. Behavioral Health Services
  13. Domestic Violence Program
  14. Executive Leadership Program
  15. North Precinct Program
- B. Form A includes a summary sheet with attached detail by each revenue account. Programs are to complete the detailed information for each revenue account under their program. The form needs to include TCA, Ordinance or Resolution number that establish the revenue and start date. In addition, a copy of the TCA, Ordinance or Resolution needs to be submitted with the package. All of the detail sheets link to the summary sheet.
- C. To propose changes to a fee schedule, contact the Finance Manager in Fiscal Affairs Division immediately. These types of changes require additional analysis and review prior to being submitted as part of the Department's budget submission.
- D. To help in completing detail information on Form A, the following information was gathered to aid in the current budget and in the preparation of Form A. It has been sorted by Program responsibility.

#### **7.20.050 Accounting Procedures**

- A. The Metropolitan Police Department uses an accounting system that includes provisions for monthly status reports that show:
1. Initial appropriation for each account;
  2. Balances at the beginning and end of the monthly period;
  3. Expenditures and encumbrances made during the period; and
  4. Unencumbered balance.
- B. It shall be the responsibility of the Fiscal Affairs Division to examine the transaction ledger and determine what portion of funds was spent or encumbered for each appropriation account on a monthly basis. After completing this examination, the Police Finance Executive Administrator will project what portion of the funds will be spent over the course of the fiscal year for each appropriation using the current and previous month's

expenditures and encumbrances. Also the Fiscal Affairs Division will calculate the percentage of funds that remain for each appropriation. To ensure that appropriation accounts are kept accurate and up-to-date, the Fiscal Affairs Division will compare their figures with those of the Metropolitan Department of Finance on a monthly basis.

#### **7.20.060 Position Control**

- A. Position Control is used to establish, monitor, and control budgets for employee position assignments. Position Budgeting is one process within the overall Human Resources Management process. Each position is managed by four components:
  - 1. Expenditures
  - 2. Full-time equivalents (FTE'S)
  - 3. Hours Worked
  - 4. Headcount
- B. All employees must be in an assigned position. The allocated positions, allocated FTE's, and head counts are authorized by the Metro Council. If a position is not properly budgeted and not available in the class and business unit where it is needed, the new position must be created and funded through the existing available budget. The Metropolitan Police Department is responsible for maintaining its own position budget and position budget activities. The position budget system must be kept up-to-date in order to hire, promote, move, transfer or reclassify staff. The department must not exceed the authorized FTE's, headcount, or the total budgeted salary amount in the financial system.
  - 1. The FTE count is equal to or less than the current authorized FTE count.
  - 2. The headcount is equal to or less than the current authorized headcount.
  - 3. Filling any and all proposed requisitions will not cause the financial regular pay budget, total salary budget, or effective position budget to be exceeded.
- C. The Metropolitan Nashville Police Department must have prior approval from the Office of Budget Management to increase the FTE counts, headcounts, or make changes that result in increased future FTE's or headcounts. Only one employee is allowed to occupy one position at

any given time. The Police Department can change a position status, budget FTE, effective date, and other information on an ongoing basis.

- D. The Fiscal Division maintains a current listing of vacancies within each component of the police department by total authorized employees, total current employees, and by position/job classification. These totals are continuously updated and verified with the Metropolitan Government Department of Personnel to ensure that all personnel on the payroll are legally employed and that position totals are in accordance with budget authorizations.

Position (FTE) changes (Payroll Status Changes) i.e. transfers, promotions, new hires, terminations, resignations, pensions occur on the 1<sup>st</sup> or 16<sup>th</sup> of each month. The Fiscal Affairs Division prepares the Payroll Status Change Report based on information provided and approved by each Bureau Chief and the Chief of Police.

#### **7.20.070 Human Resource/Fiscal Affairs Hiring Freeze Procedures**

- A. Requests for position changes such as promotions, upgrades, filling vacancies and requesting additional FTE or demotions will be handled as follows:
- B. The Chief of Police, Deputy Chiefs of Police of the Bureau or program managers in which the action will take place initiates the request to the MNPd Human Resource Section
- C. In order to ensure Fiscal responsibility, the Human Resource Section contacts Fiscal Affairs Position Control by email to verify that a vacancy exists (Promotions, Transfers, New Hires) and that funding is available to fill, upgrade or request an additional FTE. In order to upgrade a position the current position must be a "Targeted Position" and the upgrade will be the next level in this targeted series. The employee must have received a 2.25 or higher on the most recent evaluation and meet all requirements necessary for the higher level. A reclassification is defined as the assignment of a position to a more appropriate classification in order to properly reflect the function of the position. Employees are reclassified as a result of a general reclassification study or an individual position audit independent of the reclassification study. In order to promote an employee a position must be available at the classification needed to promote the employee or a position (s) must be

downgraded to create permanent funding, otherwise a reclassification audit must be done and the employee will be reclassified based on the findings of the audit. When a position is reclassified/upgraded to a higher classification another position must be downgraded (with the exception of targeted classifications) in order to create the funding necessary for the higher classification. Once the proper steps have been completed, Fiscal Affairs will respond by email indicating the availability of the funding, the funding source and confirming the vacancy.

- D. Human Resources will present the request to the Chief of Police along with the verification of funding for his approval.
- E. Human Resources will send a Hiring Freeze form to Metro Human Resources and the Office of Management of Budget. The Metro Human Resource Director will approve/disapprove the requests and then forward to the Deputy Finance Director for final approval/disapproval. MNPd Human Resource is advised of the action taken.
- F. MNPd Human Resource sends an email to the Office of Management of Budget requesting a Hiring Freeze Exception along with the justification for the request.
- G. The Deputy Finance Director will approve the request and notify Metro Human Resource that the position request has been approved.
- H. Metro Human Resources notifies MNPd Human Resources to Post the position.

MNPd HR will notify Program Manager/Deputy Chief/MNPd Fiscal Affairs (MNPd will provide anticipated hire date to Fiscal Affairs) and the Chief of Police of OMB and Metro HR decision.

#### **7.20.080 Overtime**

##### **A. Weekly Overtime Tracking Procedures**

Overtime Tracking is used to monitor overtime usage and enable programs to be aware of their overtime spending in an effort to control overtime budgets within the MNPd. Reports for all General Fund Programs are run on a weekly basis and are presented at Compstat. The information on the weekly report provides the following information:

1. Total Discretionary and Court Overtime expended thru the previous month
  2. Total Discretionary and Court Overtime expended thru the current month and week the report is presented
  3. Total Court Overtime Expended by Court type (Criminal, General Sessions, Traffic etc)
  4. Daily Overtime Allocation and the total Allocation thru the last date reported
  5. Percentage of Overtime expended and the amount that each program is over/under the allocated amount
- B. The information is provided by the Workbrain Time and Accounting Software that is used by the Metropolitan Nashville Police Department for timekeeping.
- C. The Department pays the half-time associated with Sworn Personnel's overtime on a 28-day cycle. Therefore, during the period between the close of one twenty-eight day cycle and the next closing the half-time is estimated for all sworn personnel because it will not appear on the Workbrain Report until approximately 3-5 days after the close of the twenty-eight day cycle. This manual calculation makes the assumption that all officers working overtime receive their half-time. This is not always the case; half-time is lost in the event that an officer is sick during the twenty eight day cycle.
- D. The Fiscal Affairs Division prepares Bureau Overtime Summary Reports and submits those summaries to the Chief of Police and the Deputy Chiefs of Police. The summaries contain the following information organized by bureau:
1. Program Name
  2. Available FY Overtime Budget
  3. Allocated amount through the month reported
  4. Discretionary expended through the month reported
  5. Court Overtime expended through the month reported
  6. Year to date overtime expended for the current Fiscal Year
  7. Amount over/under the allocated amount
- E. The weekly overtime reporting presented at Compstat is done with the goal of keeping MNPd management updated on the overtime spending, in order for the department to remain within budget. This also enables management to plan more pro-active policing special initiatives.

### **7.20.090 Cash Management**

- A. The Metropolitan Police Department uses formal fiscal control procedures to establish accountability to comply with funding authorizations and restrictions to ensure that disbursements are for designated and approved recipients and to alert management to possible problems requiring remedial action.
- B. This order specifies procedures used for collecting, safeguarding, and disbursing cash which includes:
  - 1. The maintenance of an allotment system & records of appreciation among components;
  - 2. Preparation of financial statements;
  - 3. Conducting internal audits; and
  - 4. Persons or positions authorized to accept or disburse funds.
- C. All cash received by the Metropolitan Police Department shall be handled in accordance with policy established by the Metropolitan Department of Finance. Cash Deposits by bank deposit slips are to be immediately deposited into the bank. Cash deposit receipts are to be entered into EBS Standard Receipts with appropriate bank documentation obtained via online bank transactions of the deposit being entered. At the end of each month a report reflecting the total number of receipts and disbursements is prepared by the Metropolitan Department of Finance, Division of Accounts. A copy of this report is submitted to the Fiscal Affairs Division to ensure account balance.
- D. The Fiscal Affairs Division adjudicates financial transactions of the Metropolitan Police Department on a continuing basis. All accounts are reconciled monthly.
- E. Persons authorized to accept or disburse funds in the Metropolitan Police Department are limited to the Chief of Police, Police Executive Administrator, and others as designated for the efficient operation of the department.

### **7.20.0100 Cash Receipts**

- A. Bank deposits must be completed for all payments made to the Fiscal Affairs Office with checks, money orders, currency, and coins.
- B. Cash will be deposited into the depository bank within one business day of receiving the payment at the point of collection.



1. Log cash and checks into the Cash/check log on the Fiscal Cash log tracking sheet.
2. Complete Bank Deposit Ticket - enter date, check numbers, cash. Enter your name, employee number, department name Police and Fiscal Division.
3. Make copy of completed deposit receipt and checks. Write on the copy of the check the Business Unit/Object Code accounting information to enter in EBS.
4. Stamp checks on back "For Deposit Only."
5. Take Original Deposit receipt – white and carbon copy, the check(s), and cash then put it in an envelope. Write on front of the envelope "Deposit <Bank Name>" and ask the mail courier to take the deposit to the bank.
6. The Mail Courier will return Deposit Receipts with a stamped transaction date.
7. Enter Deposit Receipt transaction into EBS. Metro Task View, Financials, Accounts Receivable, AR & Service Billing Processing, Receipt Processing, Standard Receipts.
8. Enter Batch Report number, Submit and print.
9. Go to corresponding bank's website to locate Image of Deposit Slip, save to excel K:Drive by entering RC #000000 F(for front) and RC000000 B(Back). Next save both as attachment in EBS to the Receipt number.
10. Attach copies of the check, documents, and deposit ticket to Batch Report.
11. Submit the batch report to Finance Manager for approval.
12. File by Fund Numbers under Deposits. Note: Deposits for Travel Refunds are filed in separate file

#### **7.20.0110 Independent Audit**

In accordance with Section 18.01 of the Standard Procedure Instruction Manual of the Metropolitan Department of Finance, it shall be the responsibility of the Internal Audit Section of the Metropolitan Government to periodically perform an independent examination and appraisal of the systems, procedures, operations and financial accounts and transactions of all departments of the government.

#### **7.20.0120 Metropolitan Nashville Police Department Form 184 Processing**

- A. MNPD Form 184 must be completed in order to purchase necessary items for the Metropolitan Nashville Police Department. These

procedures ensure that all invoices and supporting documentation are reviewed and processed promptly and that all vendors are paid in a timely manner according to existing Metro Prompt Pay Policy #9, dated July 2006.

1. 184, 184a, 209a, and Sole Source/Brand Justification forms can be found on the intranet at <http://pdweb/forms/default.htm>.
  2. 184's are received by Fiscal Division staff, timed stamped, and entered into tracking where they are assigned a PDR number. The location of the tracking spreadsheet is K:\FISCAL\Finance\Tracking 184 & Journal Entry Request\Tracking 184\current Fiscal year.
  3. After the PDR number is assigned, the 184 is forwarded to the Budget Analyst responsible for the specific program. The analyst will review the request for budget availability and accuracy and approval.
  4. Any 184 that comes to the Fiscal Office requesting the purchase of food or beverages or any items used for the preparation or serving of food or drink (i.e. cutlery, plates, cups, microwave, toaster, coffee or tea makers etc) for a planned office event must first be pre-approved by the Chief of Police. This should be done before submitted to Fiscal and any purchases are made. A list containing the names of the persons attending the function and justification for the event including the benefit to the department must be attached to the 184.
- B. The Budget Analyst will review the Form 184 and ensure the accuracy of the information listed within or attached to the form.
1. Header information: Fund, Bureau/Division, Business Unit, Object Account, Grant Number, Contract Number. Ensure that contract number is accurate is applicable. Contracts are kept on file and can also be found on <http://www.nashville.gov/Finance/Procurement/Purchasing-and-Contracts-Office/Metro-Wide-Contracts.aspx>.
  2. Item Information: Each line should be completed according to the information quoted by the vendor and shipping cost should be included and accurate.
  3. Attachments: Check for necessary attachments in accordance with the total cost of the requisition including additional forms and justification if applicable.
  4. Vendor: Make sure that all pertinent information has been recorded in order to efficiently process the request if questions were to arise.
  5. The Budget Analyst will verify that the vendor is registered in iProcurement. If the vendor is not registered the Budget Analyst will notify the program that will then contact the company and assist them in registering as a vendor of the Metropolitan Government. This can be done on the iSupplier website. Forms for registration are available on the iSupplier website and include ACH form and tax verification.

6. The Budget Analyst will work with the program and supply to ensure registration is complete and an E-1 number is assigned.
  7. Comment:
    - a. This section should be used for any special instructions, i.e. if the purchase will be funded through savings from another Object Account, or if there is any other miscellaneous information. The Budget Analyst will also add any notes related to the ledger balance during review.
  8. The form must have Approval Signatures from the designated personnel:
    - a. Program representative making the request
    - b. Division Program Manager
    - c. Bureau: Chief of Police or Deputy Chief
    - d. Fiscal Executive Administrator
    - e. If the issued 184 is from a Special Revenue account, the Chief of Police needs to approve.
  9. The Budget Analyst will compare the amount of the request against the available funds in the program's non-salary budget and initial to signify the request has officially been reviewed.
  10. After they have verified available funds and accuracy of the 184, the Budget Analyst will forward the 184 to the Finance Manager for final review and approval.
  11. The designated fiscal representative will scan the approved 184 into a historical file located in K:\FISCAL\Finance\SCANNED ITEMS\184's\appropriate fiscal year.
- C. Once the 184 is scanned, it will be sent to Supply for ordering via iProcurement or Direct Order. The designated fiscal representative will update the tracker with the date sent to supply and the procurement supervisor or designee will initial and mark the receipt date of the 184. All paperwork will be brought to supply and given to the procurement supervisor or designee.
- D. Supply/ Procurement will order goods and/or services based off the information from the 184. If an order is placed by credit card, Procurement will send confirmation to the program and appropriate analyst. This procedure will ensure that if an item is not received, the program has the information and can contact the vendor with any questions. This also ensures that the analyst has the information needed to update the appropriate tracking sheet.
1. If a 184 is a rush item, it should be brought to the attention of Procurement to ensure the order is placed quickly.
  2. Orders placed in iProcurement will be sent to the Budget Analyst and Executive Administrator for review and approval prior to the purchase order being issued.

3. When the order is placed in iProcurement, the purchase order will be approved by Metro Purchasing and the company will be sent approved purchase order through iSupplier portal. No program should contact company about order until the purchase order is approved. Any contact with Metro Purchasing should be referred to the Department Buyer and the appropriate Budget Analyst.
- E. When a 184 is received with an invoice attached, the invoice will be scanned and sent to Metro Payment Services by the designated fiscal representative. The invoice attached to the 184 will be vouchered by Supply and the original paperwork sent to the Budget Analyst for payment approval. The Budget Analyst will approve invoices through the EBS voucher approval workflow.
- F. When merchandise is received by the program, the program will email confirmation to Supply/Procurement and the item will be received in iProcurement (if entered). The packing slip will be sent through Mail to supply to be placed with the 184 when applicable.
- G. All invoices will be scanned by a designated fiscal representative and entered into the fiscal tracking spreadsheet for invoices. All invoices should be emailed to Metro Payment Services and then the original sent to supply for the vouchering process. In addition to the invoice tracking number that is placed on the invoice, the date that the invoice was sent to MPS should also be included. This will allow Procurement a sent date to reference when there are invoice population issues. The Budget Analyst will verify vendor number used to ensure payment is correctly processed. AP section of Procurement will also verify vendor number used does not have a hold code and any issues will be directed to the appropriate Budget Analyst. The Budget Analyst should provide AP the original PDR, PO, and Vendor Number and whether or not the invoice was sent to MPS.
- H. If a credit card is used for a purchase, a copy of the 184 will be submitted with the invoice along with the monthly procurement card report as per current credit card procedures.
- I. When an invoice is approved for payment the final information will be entered into tracking by fiscal division staff and filed into vendor files.
- J. Procurement will run a daily scan doc report in order to clarify any outstanding invoices. The scan doc report will be updated on the K-Drive with comments by Procurement and the Budget Analyst in order to identify and resolve any issues with the outstanding invoices that would prohibit vendors from being paid in a timely fashion.

- K. If an emergency purchase needs to be made, the program will contact their Budget Analyst, which will forward the Metro Purchasing Departments Emergency purchase justification form to be filled out and approved by the Chief of Police and the Metro Purchasing Department. This form will also accompany a 184. If emergency takes place during regular business hours requisition will be entered into iProcurement for EP purchase order.
- L. Programs can also submit orders through iProcurement on contract orders only. The orders should not exceed \$2,000. These orders are not logged in 184 tracking but are reviewed by the Budget Analyst and approved by the Finance Manager as well and then tracked in the non-salary spreadsheet for that program. The orders then follow the same process as the 184 for purchasing, receiving, and invoicing.
- M. The Chief of Police must approve all purchases over \$1,000.00 dollars before such purchases can be processed.

#### **7.20.0130 Petty Cash**

- A. The Metropolitan Police Department establishes petty cash funds as needed upon approval of Bureau Commanders, the Finance Manager, and the Metropolitan Treasury Department. Petty cash purchases must be approved by the purchaser's supervisor. In an effort to maximize efficiency and security while minimizing the amount of un-invested cash, credit cards should be utilized whenever possible.
- B. In the event that a Police employee must make a purchase for Metro and it is not possible to use a credit card, reimbursement to the employee should be made by employee submitting Form 184 with original receipt of the purchase to their Petty Cash Custodian.
- C. Purchases made through the petty cash fund cannot exceed seventy-five dollars (\$75.00) and must be in compliance with the regulations of the Metropolitan Treasury Department Division of Purchases. Petty cash purchases that do not comply with these guidelines shall be disallowed.
- D. Unallowable Expenditures
  - 1. Out of Town Travel – No Out-of-Town Travel reimbursement will be paid from Petty Cash. Out of Town Travel requires approval by the Metro Director of Finance or designee prior to making the trip. If the employee received a travel advance, all documents for reimbursement must be forwarded to Division of Accounts with the Travel Claim Form.

2. Purchases of Furniture – All purchases of furniture must be approved by the Division of Real Property Services.
3. Registrations - training to be approved in advance, and submit form 184 and Form 445 through chain of command to the Fiscal Affairs Office.

**E. Requesting Reimbursement of Petty Cash Account**

1. The Petty Cash Custodian should reimburse their petty cash account on a monthly basis or as needed to allow sufficient availability of funds.
2. The Petty Cash Custodian must submit to the Office of Fiscal Affairs, their request for reimbursement of the petty cash fund by submitting the following documentation:
  - a. The Form 184 requesting the total amount of the reimbursement along with an excel spreadsheet of all petty cash transactions authorized by the Deputy Chief of the program.
  - b. The Form 184 from each individual employee requesting reimbursement along with the original receipts and signed petty cash receipt. The Form 184 must also be approved by the supervisor.
3. For audit purposes, the Custodian must maintain adequate records to support the balance and the activity in the account; including:
  - a. A cash receipts/disbursement journal that records all related account activity and tracks the account balance.
  - b. Invoices and receipts to support all disbursements.

**F. Vouchering Petty Cash Reimbursement**

1. With proper documentation as outlined above, the Office of Fiscal Affairs will submit the invoice to Metro Payment Services to be scanned. The MNPD Fiscal Procurement division will enter a voucher into EBS. Once the voucher is entered, it will be approved by fiscal staff. A check will be issued by Treasury and mailed to the Petty Cash Custodian to cash and include with Petty Cash account.
2. Departments are encouraged to reduce the use of petty cash by using their department's credit card.
3. Should any Police Department petty cash custodian have a question regarding the appropriateness of any petty cash expenditure they should contact the Office of Fiscal Affairs for a decision.

**NOTE:** Sales Tax - Advise the vendor that the purchase is for the Metropolitan Government and not subject to sales tax. The merchant may contact the Fiscal Affairs Division, (615) 862-7362, Monday through Friday, 8:00 am to 4:00 PM for verification and tax number.

#### **7.20.0140 Emergency Purchases**

- A. Before making an emergency purchase, permission must be obtained from the purchaser's Bureau Commander. Upon receiving permission, the purchaser will follow the procedure set out in Bill No. 75-1199 which reads as follows:

"If, in an emergency, there is an immediate necessity for any using department or agency to have a commodity and/or service not available from stock or staff personnel, for the protection, safety, or welfare of the public, persons in the custody of the Metropolitan Government or its agents and Metropolitan Government employees, such using department or agency shall (1) endeavor to contact the Purchasing Agent and secure his approval and get direction where such commodity can be purchased or by whom such service can be performed; and (2) within forty eight hours, or the following workday after such emergency purchase or service, make an explanation in writing to the Purchasing Agent reporting in detail the full facts that made the emergency purchase or service essential. Such written explanation shall be attached to a regular requisition to the Purchasing Agent. All invoices or delivery tickets shall be filed with the Purchasing Division as soon as possible. In the event that the written explanation, requisition and invoices or delivery tickets are not submitted to the Purchasing Agent, the department head shall be held personally liable for such purchase or service."

- B. The purchaser will see that the invoice is processed through the proper chain of command as set out in Article VIII, "Procedure for Paying Bills".

#### **7.20.0150 Agreements and Contracts**

- A. All agreements and contracts will be processed according to the purchasing procedure in Article IX of this order. All requests for agreements, maintenance contracts, and lease purchases must be accompanied by a requisition. These agreements/contracts must be signed by an authorized contracting representative of the agency, vendor, company or individual conducting business with the police department, Metropolitan Government Purchasing Agent, and any other duly authorized government official. All agreements/contracts must be between the Metropolitan Government of Nashville Davidson County and the vendor. The agreement/contract must include all pertinent

information, such as: length of contract, coverage, price, description of service, or item involved.

- B. The MPD Form 184 and agreement/contract will be sent to the Fiscal Affairs Division. The Fiscal Affairs Division will then forward it to Procurement section to enter into iProcurement to the Purchasing Department to be executed and then the Metropolitan Department of Finance, to be processed with the approval of the Director of Law.

#### **7.20.0160 Capital Outlay**

Any capital expenditure item where the cost is in excess of \$ 10,000.00 and with a life expectancy of more than one year should be requested as a Capital Outlay purchase. The requisitioner's bureau commander must notify the Fiscal Affairs Division, using the Request for Procurement of Goods and Services Form, (MPD 184). Once prepared, the Fiscal Affairs Division will forward the request to the Chief of Police for approval. If approved, it will be forwarded to procurement section to enter into iProcurement. Once approved, bids are taken by the Metropolitan Department of Finance, Division of Purchasing. After the bids are evaluated an award will be made. If purchase is over \$200,000, a resolution is filed by the Metropolitan Department of Law with the Metropolitan Council for its approval or rejection. The bureau commander will be responsible for sending a representative to the council meeting to justify the request. After council approval, a purchase order will be issued by the Metropolitan Department of Finance, Purchasing Division.

#### **7.20.0170 Travel Authorization**

- A. Processing Travel Authorizations consistent with Metro Travel Rules and Regulation:
  - 1. Review all information on Form 445-Request for Travel and/or Training
  - 2. Verify all required documents are attached.
  - 3. Verify funding source.
    - a. Program Budget (General Fund): In-state travel will be charged to the program's budget.
    - b. Special Fund
    - c. Grant fund: Only enter essential training/travel for certification, recertification, and licenses, as well as mandatory, required, and necessary out of town travel to interview suspects or witnesses.
  - 4. Verify home address to EBS if not correct or listed, have employee complete a Short Vendor Form, Fax to Div. of Accounts.



5. Verify lodging, per diem to GSA CONUS rates. (note: rates change on October 1st each year). Any overage of the GSA CONUS rate will be the responsibility of the Employee.
  6. Verify Mode of Transportation: Airline, Personal or Metro vehicle. Metro vehicle: Except for transporting prisoners, the use of Metro owned vehicles for out-of-county travel will generally be limited to a surrounding county without an overnight stay. For longer distances or for overnight travel when air travel is not available or appropriate, a midsize car should be rented. The department or agency head can request exceptions to this policy from the Director of General Services.
  7. Verify the Employee, Supervisor, Division Command, Director of Training (Training related travel only), Bureau Commander, Fiscal Executive Administrator, and Chief of Police (out of state request only) approved signatures are entered.
  8. Post travel expense to Travel and Training records on K Drive. Print record to include with travel package when submitting for Fiscal approval.
  9. Receive Fiscal Approvals from the Budget Analyst and Executive Administrator.
  10. Send to Chief of Police (COP) for approval signature. When returned from Chief office: Enter "online" Travel Authorization for approval/denial from Department Head (COP) and Metro Director of Finance. If employee name is not in Travel Base click and complete online form.
  11. If travel request is approved:
    - a. Register employee for training. Pay through EBS Metro Payment Services. If vendor is not listed with EBS email a short vendor application to Vendor to complete and return by fax to EBS number on Vendor form.
    - b. If vendor will not accept check or if timely payment is an issue make payment with Metro Credit Card from Fiscal section only. Note: PayPal is not authorized for payment.
  12. Upon confirmation of training, order airline ticket online. Pay airfare cost with Metro Credit Card from Fiscal section only.
- B. Travel Expenses Provided By Travel Advance Check or Metro Credit Card.
1. Travel Advance for travel expense
    - a. Process travel advance by creating invoice using the employee Approved Email from [Travel.Authorization@nashville.gov](mailto:Travel.Authorization@nashville.gov) as Invoice
    - b. Include this message: MPS, This invoice is for travel advance request for (employee name) travel to (destination city, state) on

(departure date). Budget to (Business Unit number. Object Code. Subledger, subledger type) example:  
3112XXXX.502456.40XXXX.A). If any questions please contact  
Fiscal Affairs.

2. Email invoice to MPS then print a copy for Fiscal division.
3. MPS will scan invoice into EBS scanned docs. Fiscal employees will go into EBS Scan Docs to complete voucher in EBS. Other Fiscal employees will approve voucher for travel advance in EBS.
4. Metro Finance will approve for payment and issue check to be mailed to employee home address.
  - a. Request for check must be entered 3 weeks prior to departure date.
  - b. Metro Finance requires all advance expense checks be mailed to home address.
  - c. **Metro Finance will not hold check for pick up.**

**C. Metro Credit Card for travel expense**

1. If Employee has a Metro Credit Card previously assigned he/she may use Metro credit card for travel expenses.
2. An additional credit card may not be requested for Travel purposes only per Metro Finance/Treasury Department.
3. Credit cards may be used for expenses included with email of approved travel authorization, i.e. lodging, meals, auto rentals, taxi and other travel related expenses.
4. All Original Itemized Receipts are required for any purchases by Metro credit card.

Per Cardholder Responsibility Acknowledgement, The card issued to me must not be used by anyone other than myself. (This includes other Metro employees)

**D. Claim for Reimbursement of Travel Expenses**

1. Claim form submitted by employee to Fiscal section upon return of trip,
2. Verify signature approval from employee, supervisor and Deputy Chief.
3. Verify all itemized receipts required are attached.
4. Review all expenses and compare to receipts.
5. Review all expenses and compare to receipts.
6. Review/calculate daily meal allowance for each day. If over the GSA CONUS maximum daily meal allowance on any day deduct the

- overage. (overage on one day may not be added to other day that is under the daily meal allowance).
7. Review is complete, deliver claim form to Budget Analyst and Executive Administrator for approval, date is required.
  8. Original Claim reimbursement form and receipts are maintained in Fiscal files.
  9. Claim form with "balance due claimants" scan original receipts/documents to MPS. MPS will scan documents to EBS Scanned Docs for Fiscal employee to enter voucher for reimbursement to employee. Other Fiscal employee will approve. Metro Finance will approve and issue check.
  10. Claim form with "For Deposit with Metro Treasurer" for expenses not used-Complete deposit for bank. Send by MNPD Mail Courier to bank. When deposit is returned enter stamped deposits by bank in EBS Standard Receipts to issue RC. Enter and Print batch report. Scan the original bank deposit receipt. Go back to EBS Standard Receipts and enter receipt number, click Find and attach the saved image of deposit slip and cash receipt.
  11. Print report and attach to claim before submitting to Fiscal for approval Signature. The Original claim w/receipts include copy of Batch report and receipts for Fiscal Travel Authorization File. Make copy of RC batch report, receipts, and claim form to file in Fiscal Deposit RC file.
  12. For Claims with no deposit or reimbursement post update of final expenses to travel and training records on K- drive. Maintain originals in Fiscal division.
  13. Journal Entry (JE) for Travel Advance. Transfer from BU number.502456 to same BU number 502451. This will clear the advance account and charge to the expense account. JE will be done monthly for all travel advances.

**EXCEPTION:** Does not apply to travel for the purpose of transporting prisoners. The commander of the Criminal Investigative Division will continue to handle transportation of prisoners under object code 215.

#### **7.20.0180 BAR Reporting Procedures**

- A. BARs (Budget Accountability Reports) are run for the General Service District (GSD), Urban Service District (USD), Metropolitan Development and Housing Agency (MDHA), Task Force Funds, Secondary Employment Unit (SEU), Special Purpose Funds, Education Foundation, and Grants. These reports ensure that the Metropolitan Nashville Police Department will meet all of their fiscal responsibilities and obligations without exceeding their approved budget.

- B. Instructions for each report can be found in the BARS Report folder located at K:\FISCAL\Finance\BARS Reports.

C. Location of BAR Reports

The physical copies of BAR reports will be located in the Budget Analyst Office responsible for submitting these reports to the Office of Management and Budgets (OMB). The spreadsheet version of this report will be located at K:\FISCAL\Finance\BARS Reports\current fiscal year. At this location, the BARS reports are separated by Fiscal Year and Month.

D. Completing BAR Reports

1. Locate the last BAR report, open file and save as the current month.
2. Login to EBS and proceed to Budgeting/Custom Budget Reports/Department Reports/BAR Reports. Click on the month for which you will be running this report. Click data selection and submit. The Left Operand will be Department, Comparison will be equal to, and Right Operand will be 031. The next line, the Left Operand will be Fund, Comparison will be equal to, and the Right Operand will be equal to the fund number. There should be 9 reports.
3. Go to Work with Submitted Report. Export reports to CSV. Copy and paste reports to appropriate tab on BAR's spreadsheet located on K drive. Print reports with supporting documentation for approval.

E. BAR Reports Approval

1. Once the BAR reports are complete; print and submit with supporting documentation to the Finance Manager for approval. After approved by the Finance Manager the reports will be emailed to OMB. File approved report.
2. Supporting documentation includes all tabs from the Management report accessible via link in the BARS folder.

F. Monthly Reports

Monthly BAR reports are run monthly and are due to the Office of Management and Budgets around the 20th of each month with the exception of the months of July and August. Reports are not run for these months due to the new Fiscal Year implementation. OMB will provide Budget Analyst with schedule for reports.

### **7.20.0190 Grant Accounting and Reporting Procedures**

- A. Establishes the guidelines for the monitoring and reporting of all grant related expenditures.
- B. After the grant has been accepted by the Metro Council and the resolution signed a completed Business Unit request form shall be submitted to the Division of Grants Coordination.
  - 1. After the new Grant Business Unit is approved and created by the Division of Accounts, the Grant Manager or a designee should complete a BX Authorization form. The BX Authorization Form must then be verified by the Executive Administrator or a designee and sent in a FASTpak with the hard copies of all the grant related documentation (Grant Contract, Metro Council's Resolution, BX EBS Report etc.) to the Division of Grants Coordination, Finance – OMB, and the Division of Accounts for an approval. The Grant Manager should scan the BX and save it on the K-Drive under K:\FISCAL\Finance\SCANNED ITEMS\BX Authorizations, as well as maintain the hard copy of the submitted BX Authorization form in the binder/ file created for the new grant award.
  - 2. A copy of the signed grant agreement and any other grant related documentation (approved council resolutions, etc) shall be placed in a binder for quick reference purposes and updated as needed (budget modifications, etc)
  - 3. Once a completed 184 is received in Fiscal Affairs Office the Grant Manager or designee shall confirm that the request is within the grant budget and has all needed documentation per the procurement guidelines then initial the 184 and forward it to the Executive Administrator or designee for approval and processing.
  - 4. The Grant Manager or designee shall maintain an internal detailed spreadsheet that lists all expenditures and anticipated expenditures in order to ensure the grant budget is not exceeded.
  - 5. On a monthly basis, the Grant Manager will complete a Journal Entry in order to cover all grant non-allowable fringe expenses.
  - 6. Grant reports (Financial Status Reports) for Federal grants are due 30 days following the close of the previous quarter as follows:
    - a. January 31
    - b. April 30
    - c. July 31

d. October 31

7. State grant reports are due based on the individual grant agreements. Some will be quarterly (Governors Highway Safety Grant) which is due 15 days following close of quarter and some are monthly (Victims of Crime Act-VOCA and Internet Crimes Against Children- ICAC).
8. As part of the grant reporting process the Grant Manager or designee shall confirm the existence of documentation to support the total amount claimed on the Financial Status Reports. This documentation shall include purchase orders, invoices, payment vouchers etc. This is important in the event of an audit.
9. Once the individual grant reports are completed they shall go to the Executive Administrator or designee for review and approval. Once the signed report is received back it is then submitted electronically to the US Department of Justice (DOJ) through the Grant Management System (GMS)

In order to actually complete the reimbursement process, you should wait at least 2-3 business days in order for the financial status report to be logged in at the Federal level. Until this happens the reimbursement will not be complete. After this 2-3 day you will then submit the reimbursement request for the US Department of Justice through the Grant Payment Request System (GPRS)

#### **7.20.0200 Task Force Funds**

Task Forces are federally funded programs that require generating invoices for reimbursement.

- A. Certain Task Forces have non-allowable fringe. Every month an EBS report should be run to prepare a journal entry to cover the non-allowable fringe to the correct business unit for the corresponding month. Each Task Force journal entry for non-allowable fringe should be completed by the 9th of the month.
- B. A Workbrain report should be run to determine the overtime amount that needs to be billed. The overtime report will be used to generate an invoice and the Workbrain report will be attached as backup and sent to the Federal Department responsible for the reimbursement.
- C. Upon receipt of reimbursement, a journal entry will be prepared for the ACH wire transfer to move to the appropriate business unit.

D. Addiotnal detailed procedures are located K:\FISCAL\Finance\Procedures

#### **7.20.0210 Journal Entry- Secondary Employment Unit**

To create a monthly process for submission of the journal entries done by SEU for customer invoices, monthly transfers, LOCAP, and indirect cost to be reviewed by Program Manager, Fiscal Budget Analyst and approved by Finance Manager.

- A. Review and Approval
- B. At the end of every billing period, the designated representative for SEU will perform journal entries to prepare monthly transfer and receivable amounts for customers for that month.
- E. After the journal entry is completed in EBS, the appropriate documentation will be placed into a FASTpak and delivered to the Program Supervisor for approval/initials then forwarded to the Finance Manager in the Fiscal Office for approval by no later than the 9th of that month.
- F. The appropriate Budget Analyst for the program will verify the charges for that month and record in the program spreadsheet. The Budget Analyst will review and in the event any changes to the journal entry need to be made the Budget Analyst will make adjustment and make a copy of the corrected journal entry and a copy will forward to Finance Manager to be sent back to Program Supervisor for his/her records.
- G. FASTpak will be resubmitted to Finance Manager for additional review and/or corrections and final approval.
- H. After Finance Manager approves FASTpak it will be forwarded to Division of Accounts for review and posting in EBS.

#### **7.20.0220 Journal Entry- Supply Charges**

To create a monthly process for submission of the supply charges journal entry to Fiscal Budget Analyst for approval.

- A. At the end of every billing period, the designated representative for supply will perform a journal entry to move charges to the appropriate program for that month.

- B. After the journal entry is completed in EBS, the appropriate documentation will be placed into a FASTpak and delivered to the Program Supervisor for approval/initials then forwarded to the Finance Manager of the Fiscal Office for approval, by no later than 9th of that month.
  - 1. The appropriate Budget Analyst for the various program(s) will verify the supply charges for that month. The Budget Analyst will review and in the event any changes to the journal entry need to be made the Budget Analyst will make adjustment and make a copy of the corrected journal entry and a copy will forward to Finance Manager to be sent back to Program Supervisor for his/her records.
  - 2. The FASTpak will then be resubmitted to the Finance Manager for additional review for corrections and final approval.
- C. After Finance Manager approves FASTpak it will be forwarded to Division of Accounts for review and posting in EBS.

#### **7.20.0230 Credit Card Procedures**

- A. Reporting
  - 1. At the end of every billing period, the cardholder will purge completed transactions. A Credit Card Summary Form shall be submitted along with the receipts and 184's to Police Fiscal. Failure to comply with the timely requirement of submittal can result in the card being suspended.
  - 2. The credit card transactions/documentations will be reviewed by the Program Manager and the Credit Card Summary Form will be signed by both the cardholder and the Program Manager.
  - 3. The Credit Card Summary will be sorted by business unit in order for each Program Analyst to review the documentation again once submitted to the Fiscal Affairs Office.

- B. Discrepancies

Program Managers finding discrepancies in the use of credit cards are required to take one of two actions:



1. If the purchase was not made by the cardholder it must be investigated and disputed in the system.
2. If the purchase was made by the cardholder but did not follow proper policy and procedure, then the program manager shall take the appropriate disciplinary and fiscal recovery action.

**C. Review and Approval**

1. Program Managers shall conduct an online review and approval of cardholder activity under their command no later than the 5th business day of the month. This review can be on going throughout the month. The review requires that the business unit and object account be added in the description field to reflect the appropriate expenditure classification. If you have any questions please call the Fiscal Office.
2. The analyst will then submit the document to the Finance Executive Administrator for review and approval.
3. After the Finance Executive Administrator approves the documents will be filed in the Fiscal Affairs Office.

**7.20.0240 Monthly Journal Entry for Credit Cards**

MNPD Fiscal monitors Credit Card Transactions Monthly. This is a monthly process for the submission of the Fiscal credit card transactions journal entry to transfer balances from the Clearing Account to the appropriate Police Account for each program.

- A. Transactions default to a home business unit (31161000) and the procurement card clearing object account (503999). If Cardholders do not code transactions before the Metro Finance monthly journal entry is processed, transactions will be recorded to the default coding and need to be reclassified to the correct coding with a separate department journal entry.
- B. MNPD Fiscal will prepare a Journal Entry to reclass incorrect accounting codes. The following shows details the necessary steps:
  1. At the end of billing period Metro Finance will create a master Journal Entry in EBS to move all credit card clearing account transactions for all Metro Finance credit card holders from credit

card site to EBS. The designated representative for Fiscal will create a report from this journal entry by retrieving all police transactions to issue a police journal entry to move transactions in EBS from clearing account to the appropriate police program.

2. Fiscal will go to government credit card site to create an extract report for required information on all transactions in billing period. The report will be sent for review to Supply and Budget Analyst. If any changes are necessary, the Budget Analyst will communicate with the program involved. Corrections will be returned to correct in credit card extract report before submitting Journal Entry.
3. With the information from the Metro Finance EBS report and the Credit Card extract report a Journal Entry will be issued in EBS to reclass police transactions from the Metro Finance credit card clearing account to the appropriate police program account. When Journal Entry is complete a Fastpak will be prepared to include the Journal Entry Batch report with required documents. The Fastpak will be submitted to Police Finance Executive Administrator for approval and then mailed to Metro Finance for review and posting in EBS. Journal entry must be completed before the close of the corresponding month to ensure 503999 credit card clearing object account is zeroed.

### **7.30 Fiscal Procedures for Processing Fees & Requests for Services**

The purpose of this order is to establish procedures for the public to request certain administrative services of the department, and to process the fees associated with those services.

#### **7.30.010 Vehicle Impound Section - Fiscal Procedures**

- A. The fees, charges, disbursements, and record-keeping requirements applicable to this section are identified in another written directive that specifically addresses vehicle impoundment.
- B. Should the current directive be rescinded or superseded, the new directive shall include the financial procedure provisions unique to this section.

#### **7.30.020 Special Commissions Unit - Fiscal Procedures**

- A. The fees, charges, disbursements, and record-keeping requirements applicable to this unit are identified in another written directive that specifically addresses special commissions.
- B. Should the current directive be rescinded or superseded, the new directive shall include the financial procedure provisions unique to this unit.

#### **7.30.030 Records Division - Fiscal Procedures**

The Records Division shall handle all funds and issue receipts to citizens for all indicated organizations elements. All Records Division employees may conduct transactions unless specifically prohibited from doing so by the commander of the division.

- A. The Records Division shall obtain from the Treasurer's Office of the Metropolitan Government a sum of \$200.00, to be maintained as a ready cash fund, solely for the purpose of making change. A detail maintains a ready cash fund of \$100.00 solely for the purpose for making change. B detail also maintains a ready cash fund of \$100.00 solely for the purpose for making change.
- B. With each transaction, a receipt is distributed from the cash register detailing the item purchased and amount for the customer's cash or check payment(s). There is also a copy of every transaction printed on the cash register journal receipt for cash and check payments. Credit card payments are completed through the Ingenico credit card

terminal, a receipt is given to the customer, and the signed copy is maintained in the Records Section.

- C. Anytime an employee causes or discovers a shortage or overage in the cash fund, he/she will report it immediately, in writing, to their shift commander or the supervisor of the Records Section, who will determine the cause for the discrepancy and report their findings to the division commander. The cash fund will be audited regularly by the division commander or their designee, to see that it contains the required balance.
- D. At the end of their tour of duty, the daily sales totals for that shift are run on the register. The daily sales printout is then taken and cash and checks are totaled by the employees working the counter or a supervisor. A reconciliation sheet is then completed listing the total money value and checks that were received for that shift. Each check is then copied. The daily sales printout, reconciliation sheet, copies of checks, and the correct amount of cash and checks from the fund will be placed inside an envelope and sealed. On the outside of the envelope will be written:
  - 1. RECORDS DIVISION;
  - 2. The date and shift;
  - 3. The amount of cash and checks enclosed; and
  - 4. The signature of the employee completing the deposit.

The envelope will then be placed in the office safe, or other secure location within the division, and held for further disposition. The balance of the cash fund shall be \$100.00 per shift.

- E. At the beginning of each tour of duty the oncoming employee assigned to the counter will check to see that the cash fund has a balance of \$100.00.
- F. The division secretary on duty when regular administrative hours begin (0730 hours) will collect all the envelopes accumulated during the previous twenty-four (24) hours. The envelopes from each day will then be totaled and a deposit slip will be completed. The secretary, escorted by armed security guard or officer, then takes the deposit to the bank to be deposited.
- G. Once the deposit has been made into the bank, the secretary is to login to the bank's online website and save a copy of the bank deposit receipt. Once the bank deposit slips are saved to the computer, he/she is to login to the EBS system and create a Standard Receipt Entry for each deposit. After completing the Standard Receipt entry

attach a copy of the bank deposit slip. Once the entry is complete, a journal report is submitted and then printed from EBS. The credit card deposits are also entered into EBS under the same guidelines.

- H. After the deposits have been entered into the EBS system, the printout is attached to the daily deposit slips kept by the secretary for the cash/checks and credit cards.
- I. In addition to the audits conducted at each shift change, the Inspections Section shall audit the fund at least every six (6) months.

#### **7.30.040 Administrative Services Available**

The following services are available from the components indicated. Current prices are posted in the Records Division.

##### **A. Records Division**

- 1. Incident Report;
- 2. Traffic Accident Report;
- 3. Non-Investigative Traffic Accident Report;
- 4. Solicitation Application;
- 5. Visa Letter Application; and
- 6. Record Check Report.

##### **B. Technical Investigations Section**

- 1. Fingerprinting;
- 2. Photograph;
- 3. Mug Shot;
- 4. History Sheet; and
- 5. Reproduction of Tape.

##### **C. Data Processing Division**

Computer Report

##### **D. Emergency Communications Center**

Reproduction of Tape

#### **7.30.050 Fiscal Procedures for Elements Providing Administrative Services**

##### **A. Records Division**

1. The Records Division, as a financial receiving point, shall handle money and provide receipts for all services rendered by **any** component of the Police Department.
2. The Records Division shall also provide fiscal control over audio tapes reproduced by the Emergency Communications center.

**B. Requests for Fingerprinting Services**

1. The Information Desk staff shall direct the citizen seeking services to the Records Division counter for payment of fees.
2. Upon receipt of the fees, Records Division personnel shall provide a receipt and direct them to the Technical Investigations Section for printing.

**C. Technical Investigations Section**

1. Technical Investigations Section personnel shall advise Records Division personnel the amount to collect from the citizen.
2. The citizen shall then be directed to the Records Division for payment of fees.
3. Upon returning with a receipt from the Records Division, they shall be given the materials.

**D. Data Processing Division**

1. The requested report shall be retained by the Help Desk until the citizen arrives to pick it up.
2. Help Desk personnel shall deliver the report to the Records Division and communicate the amount to collect.
3. Upon making payment, the report shall be given to the citizen.

**E. Emergency Communications Center/ECC**

1. Upon receiving a completed MNECC Form 004, "Citizen Recording Request / CAD Review Report", ECC personnel shall copy the requested information from the original tape.
2. After completing the reproduction, the original MNECC Form 004 shall be forwarded to the Records Division along with the citizen's copy of the tape.

3. Upon making payment, the tape shall be given to the citizen and the signed MNECC Form 004 returned to the Emergency Communications Center.

## **Title 8: Equipment and Uniforms**

### **8.10 Firearms: Policy and Procedure**

#### **8.10.010 Policy**

It shall be the policy of the Metropolitan Police Department that all personnel adhere to the policy and control provisions herein.

#### **8.10.020 Definitions**

- A. **Alternate Firearm:** A sidearm, other than standard issue, authorized by the Chief of Police for on-duty use. Prior to any sworn officer carrying an alternate firearm the employee must successfully complete an authorized course of instruction as determined and provided by the Training Division. MNPDP Form 051, Alternate/Additional Carry Weapons Form, must be completed and approved before being authorized to carry the weapon. This includes personally owned as well as department issued confiscated firearms.

**NOTE:** If an officer has qualified with, and is authorized to carry an alternate firearm on-duty, the officer is also authorized to carry the alternate firearm as a secondary/back-up firearm, and/or as an off-duty firearm.

- B. **Authorized Firearm:** A firearm authorized for use by this or other established departmental policy and procedure.
- C. **Firearm:** Any weapon from which a projectile may be propelled by means of gunpowder or explosive force.
- D. **Off-Duty Firearm:** A firearm authorized for off-duty use only. Prior to any sworn officer carrying an off-duty firearm the employee must successfully complete an authorized course of instruction as determined and provided by the Training Division. MNPDP Form 051, Alternate/Additional Carry Weapons Form, must be completed and approved before being authorized to carry the weapon. This includes personally owned firearms.
- E. **Armed Property Guard:** A property guard of the Metropolitan Police Department who complies with the requirements of Tennessee Code Annotated, Private Protective Services Act, or any exemptions to the act that may be authorized by the Chief of Police, to carry firearms.



- F. **Revolver:** A handgun with a cylinder of chambers brought successively into line with the barrel and, as the cylinder is rotated, a separate round of ammunition may be fired.
- G. **Semi-Automatic:** A handgun, utilizing a magazine of cartridges that, once fired, automatically reloads and prepares itself to fire again.
- H. **Rifle/Carbine:** A shoulder fired weapon with a rifled bore designed to fire a single projectile with each pull of the trigger.
- I. **Secondary/Back-Up Firearm:** A secondary/backup weapon is a sidearm, authorized by the Chief of Police for on-duty use that is carried in a concealed manner as a backup firearm to be utilized in deadly force situations when the primary firearm is unavailable. Prior to any sworn officer carrying a secondary/back-up sidearm the officer must successfully complete an authorized course of instruction as determined and provided by the Training Division. MNPd Form 051, Alternate/Additional Carry Weapons Form, must be completed and approved before being authorized to carry the weapon. This includes personally owned as well as department issued firearms.

**NOTE:** If an officer has qualified with and is authorized to carry a secondary/back-up firearm on-duty, the officer is also authorized to carry the secondary/back-up firearm as an off-duty firearm.
- J. **Shotgun:** A weapon usually designed to fire a form of shot, pellets, or slug. A shotgun may be smooth-bored or have a rifled bore.
- K. **Sidearm:** Any handgun (revolver or semi-automatic) which an employee authorized under this policy may carry on or off-duty.

#### **8.10.030 Authorization to Carry Firearms**

- A. Sworn personnel shall carry a department approved sidearm subject to these and other departmental provisions:
  - 1. **In Uniform:** Any officer who is wearing the prescribed uniform of the department shall at all times carry the authorized sidearm and loaded with authorized type and amount of ammunition in a manner suitable for their duty assignment and consistent with this policy.

**EXCEPTION:** The Chief of Police and deputy chiefs are authorized to carry an alternate weapon when in uniform.

2. **Non-Uniform:** Any officer who is on-duty wearing non-uniform apparel shall at all times carry an authorized sidearm and authorized ammunition in a manner suitable for their duty assignment.

**NOTE:** Any officer who is on-duty in a secured area (i.e., private offices in police department buildings) may remove the sidearm and related accessories and secure them. However, if the officer leaves the secured area the authorized sidearm and ammunition shall be worn. An employee's bureau commander may authorize a subordinate to not carry a weapon in circumstances where the carrying of a firearm would be inappropriate or detrimental to the employee's assignment.

3. **Dress Uniform:** Command level personnel attired in the approved Dress Uniform shall carry the authorized duty or approved alternate weapon. The weapon must be carried in an approved holster.
4. **Off-Duty:** Any officer authorized to carry firearms who is off-duty in civilian clothing may carry an authorized firearm and ammunition at any time not otherwise prohibited by law. The firearm shall be concealed from public view.
5. When carrying a firearm, officers shall have in their possession an authorized badge and departmental issued identification.
6. Officers on light or restricted duty may be restricted from carrying a firearm by the Chief of Police or designee.

#### B. Armed Property Guards

An armed property guard of the Metropolitan Police Department who complies with the requirements of Tennessee Code Annotated, Private Protective Services Act, or any exemptions to the act may be authorized by the Chief of Police to carry a department issued firearm while on duty or while traveling in uniform immediately to or from home or immediately to or from the assigned worksite.

#### C. Statutory Authority

Pursuant to the authority vested in the Chief of Police by the Charter of the Metropolitan Government of Nashville and the Tennessee Code Annotated, sworn employees of the MNPd, consistent with departmental policy, are authorized to engage in the prevention, detection, investigation, or prosecution of any person for any violation of the law, have statutory powers of arrest and are authorized to carry

their weapons at all times, regardless of regular duty hours or assignment, and is in compliance with the provisions of 18 USCA 926B (HR218).

**D. Exceptions to Authorized Carry**

Any employee who is decommissioned, or who is otherwise prohibited by the Chief of Police or designee, shall lose the authority to carry firearms as members of the Metropolitan Police Department.

**8.10.040 Authorized Firearms and Accessories**

**A. Semi-Automatic Handgun**

1. The issued semi-automatic (autoloader) handgun, or approved alternate, shall be the authorized firearm. The make, model, and caliber of the issued semi-auto handgun shall be authorized by the Chief of Police. The semi-automatic handgun shall be carried with a round chambered, and if applicable, the hammer down or locked, and magazine inserted. The magazine shall be loaded consistent with departmental firearms training. Semi-automatic handguns with safeties shall be carried according to department firearms training.

2. Approved Issued Duty Handgun:

The Glock, Model 22, .40 caliber.

**B. Revolver**

A revolver may be utilized as an off-duty or secondary/back-up firearm. The make, model, and caliber of the revolver are to be recommended by the staff of the Training Division and approved by the Chief of Police. The revolver shall be carried with the cylinder fully loaded to capacity with authorized ammunition.

**C. Shotgun**

1. The issued service shotgun shall be an authorized firearm. The shotgun shall be a twelve gauge shotgun with a rifled or smooth bore. The make and model of the issued shotgun shall be authorized by the Chief of Police. The shotgun shall be carried with the magazine filled with authorized/approved ammunition, the chamber empty, and the safety on.

2. Approved Issued Duty Shotgun:

Remington Model 870

D. Rifle/Carbine

1. The department may issue or approve a semi-automatic rifle or carbine to authorized employees who have met and maintain established standards to replace or supplement the issued or approved shotgun. The rifle or carbine shall be carried with the chamber empty, safety on, and magazine to capacity; or as otherwise directed by department firearms training.
2. Personally owned rifle/carbines shall meet the following specifications and have its configuration approved and documented by Training Academy staff:

Manufacturer: As a widely respected rifle/carbine, the AR-15 platform has been manufactured by a number of companies. While not comprehensive or intended to limit the available models, the following manufacturers are known to produce rifle/carbine parts in acceptable standards of quality: Armalite, Bravo Company, Bushmaster/Windham Arms, Colt, Daniel Defense, Del Ton Arms, DSA, Double Star Arms, Knights Manuf., Larue, Lewis Machine (LMT), LRB, Noveske, Rock River Arms, Smith & Wesson M&P Rifles, Sigarms, Spikes Tactical, Stag Arms, & Wilson Combat.

- a. Caliber: 5.56mm (.223) caliber
- b. Stock: Standard or Collapsible
- c. Barrel: Chrome lined, chrome moly or matte stainless
- d. Lengths: barrel 10.5" to 16.25". Barrel and overall lengths must comply with applicable state and federal law.
- e. Rifling Twist: 1/ 7", 1/8" or 1/9"
- f. Flash hider: conventional style, no National Firearm Act regulated devices
- g. Upper Receiver: Standard A1/A2 configuration or flat top with detachable carry handle or electronic sights with appropriate back up iron sight
- h. Fore end: Standard or railed
- i. Frame/Lower Receiver: standard lower receiver and trigger group with ergonomic style pistol grip. Non-standard receivers are not acceptable for duty use (polymer, novelty marked (zombie, calico jack, etc.), etc.)
- j. Color: metal parts should be black anodized, phosphate or other non-glare black finish. Hand guards, pistol grips, rail covers, etc. shall also be black in color.

- k. Recommended Accessories: Lockable storage case, individual cleaning kit, 1 – 20 round & 2 – 30 round magazines. Magazines with a capacity greater than thirty (30) rounds are not approved for general duty use. Sling appropriate for duty use. Forearm mounted LED light (120-150 lumens or less is recommended for general duty use).
  - l. Once approved and documented by Training Academy staff, no modifications shall be made without the subsequent approval and documentation of the revised configuration of the Training Academy staff. The Training Division shall also maintain documentation of any NFA approved forms as may be necessary to ensure compliance with applicable law.
- 3. Prior to carrying rifle/carbine, officers shall:
    - a. Successfully complete any required training; and
    - b. Successfully meet departmental approved qualification standards.
  - 4. The Training Academy shall maintain a roster of those officers who have successfully completed required training and maintain qualification standards. Such roster shall also include appropriate identifying information on the approved rifle/carbine and the configuration of the rifle/carbine at the time of approval.
  - 5. The approval to carry a weapon may be revoked at any time by the Chief of Police, his/her designee, or by the Training Division if an employee violates any department policy or guideline regarding firearms and their use (i.e., qualification, safety, etc.).
  - 6. Training Division personnel shall have the continuing duty to inspect any firearm for its suitability for approved carry.
  - 7. Deployment
    - a. Ammunition & Magazines  
Only the department issued or approved ammunition and magazines are authorized for use on duty.
    - b. Storage and Readiness  
Officers are responsible for the safe and secure storage of their issued rifles at all times. While on duty, officers should carry a minimum of sixty (60) rounds of issued or approved ammunition in the issued or approved magazine.
    - c. Patrol Rifles/Carbines shall be deployed only in situations that the officer may reasonably believe that

the tactical advantage afforded by the use of a shoulder arm (shotgun or rifle) may be necessary. They are not to be used for routine calls where the deployment of a shoulder arm might otherwise be inappropriate. This order does not seek to articulate the only situations where rifle deployment is appropriate. Officer/supervisor judgment, based upon training and experience, is the first indicator of appropriate deployment.

#### E. Special Weapons

1. The department may issue or make available "special weapons" (i.e., fully automatic firearms, counter sniper rifles, gas guns, etc.) to **authorized employees** who have successfully completed specialized training and qualification in the operation and use of these weapons. **These weapons shall only be used, as authorized by the Chief of Police, under the direction or authorization of the commander of the Special Weapons and Tactics Team or his/her designee.**
2. Approved Special Weapons

The following are approved for the Special Weapons and Tactics Team use only:

- a. Colt M16 series or equivalent, .223 caliber;
- b. Colt AR15 series or equivalent, .223 caliber;
- c. Heckler and Koch model MP5 series;
- d. Sig-Sauer, 550 series, .223 caliber;
- e. Remington or Steyr Bolt Action Rifle, .223 or .308 caliber;
- f. US Property, M-14 rifle, 7.62 caliber;
- g. Firearms designed or used for delivery of gas or less-lethal munitions; and/or
- h. Other such weapons designated by the Chief of Police.

#### F. Alternate Firearms

1. Upon a demonstrated need or necessity, as determined by the Training Academy firearms staff, and approved by the Director of Training, an alternate weapon, with a smaller stock width and/or back strap to trigger distance, may be approved for carry in uniform attire. Approval shall be granted only where it is determined that the use of a smaller weapon would create an appreciable advantage in the use and operation of the weapon by the

requesting employee. Such alternate weapon approved for these circumstances shall be limited to a .40 caliber with the same or similar operating system as the issued service weapon. In the alternative, and if appropriate, in order to accommodate these circumstances, the Director of Training may authorize modification of the issued service weapon by the Training Academy Armorer. The approval of any alternate weapon shall be documented on MNPD Form 051, Alternate/Additional Carry Weapons Form.

2. Officers assigned to plainclothes duty may carry a department approved compact semiautomatic alternate weapon if:
  - a. It conforms to department specifications; and
  - b. The officer completes any required training and successfully qualifies with the handgun; and
  - c. Prior to any sworn officer carrying an alternate handgun on-duty, an officer must apply in writing, on MNPD Form 051, Alternate/Additional Carry Weapons Form, and must receive authorization from their bureau commander before carrying the handgun; and
  - d. Officers will only carry department issued ammunition in an alternate handgun.
3. Exceptions may be made for specialty assignments.
  - a. With prior written permission by a bureau commander, exceptions may be made for specialty assignments. A bureau commander may approve the use of an alternate special exception handgun for a particular assignment (i.e., if an employee is on an assignment where they may be searched for a weapon the use of an alternate special exception handgun may be approved). Officers will cease carrying the alternate handgun when the specific assignment or specific need no longer exists. Special exceptions end when the assignment requiring the exception is completed. Approval to carry a particular special exemption handgun is not transferable to another handgun.
  - b. Prior to carrying an alternate handgun during a special exception, officers shall:
    - (1) Successfully complete any required training; and

- (2) Successfully meet departmental approved qualification standards; and
- (3) Prior to any sworn officer carrying an alternate handgun during a special exception on-duty assignment, an officer must apply in writing, on MNPDP Form 051, Alternate/Additional Carry Weapons Form, and must receive authorization from their bureau commander before carrying the handgun.

**4. Approved Alternate Weapons**

The following handguns have been approved as alternate weapons to the issued handgun for on-duty use, subject to receiving approval via the Alternate/Additional Carry Weapons Form:

- a. Glock Model 23, .40 Caliber
- b. Glock Model 27, .40 Caliber

**NOTE:** If an officer has qualified and is authorized to carry an alternate firearm on-duty, then the officer is also authorized to carry the alternate firearm as a secondary/back-up firearm, and/or as an off-duty firearm.

- 5. All approved Alternate/Additional Carry Weapons Forms shall be maintained by the Training Division. An employee shall carry the alternate firearm only after training requirements are met and the Alternate/Additional Carry Weapons Form has been approved.
- 6. The approval to carry an alternate weapon may be revoked at any time by the Chief of Police, his/her designee, or by the Training Division if an employee violates any department policy or guideline regarding firearms and their use (i.e., qualification, safety, etc.).
- 7. Training Division personnel shall inspect any firearm for off-duty/non-uniform use for its suitability.

**G. Secondary/Back-Up Weapons**

- 1. Officers may carry one secondary/back-up handgun provided:
  - a. That the weapon is concealed; and
  - b. The weapon conforms to department specifications; and
  - c. The officer successfully meets departmental training and qualification standards; and



- d. Prior to carrying the secondary handgun, the officer shall apply in writing, on MNPd Form 051, Alternate/Additional Carry Weapons Form, and must receive authorization from their bureau commander.
2. The secondary/back-up firearm may be a department issued or personally owned handgun.
3. Officers who carry a secondary/back-up firearm must:
  - a. Qualify with it during every range qualification; and
  - b. Carry only department issued ammunition.
4. The department does not assume any obligation for the repair or maintenance of personally owned weapons. In the event an academy firearms instructor or department armorer determines a personally owned firearm unsafe, the firearm will not be carried under any circumstances until successfully repaired. After repair, an academy firearms instructor or armorer must approve the firearm.
5. Approved Secondary/Back-Up Weapons
  - a. The following handguns have been approved as secondary/back-up weapons for on-duty use, subject to the provisions herein:
    - (1) Glock Model 23, .40 Caliber;
    - (2) Glock Model 27, .40 Caliber;
    - (3) Glock Model 17, 9mm Caliber;
    - (4) Glock Model 19, 9mm Caliber;
    - (5) Glock Model 26, 9mm Caliber;
    - (6) Walther, Sig-Sauer, or Beretta .380 Caliber;
    - (7) Smith & Wesson, Ruger and Taurus snub-nose revolvers with .38 caliber ammunition; and
    - (8) Kel-Tec .380 Caliber semi-automatic.
    - (9) Kahr Arms – P Series .40 S&W Pistol / P Series 9 MM Pistol
    - (10) Ruger LCP – 380 Pistol
    - (11) Kel – Tec P9 – 9MM Pistol
    - (12) Diamond Back – .380 Pistol
    - (13) S&W Bodyguard 380

- b. The only approved ammunition is ammunition issued or approved by the Metropolitan Police Training Academy.

**NOTE:** If an officer has qualified with and is authorized to carry a secondary/back-up firearm on-duty, the officer is also authorized to carry the secondary/back-up firearm as an off-duty firearm.

#### H. Off-Duty Weapons

1. Off-duty officers who carry a concealed handgun pursuant to their employment as a Metropolitan Nashville Police Department police officer shall carry only firearms and ammunition that have been authorized by the department for off-duty use.
2. The **departmentally issued** Glock 22, .40 caliber, is the approved issued duty handgun. It is automatically approved as an off-duty weapon without completing an MNPB Form 051, Alternate/Additional Carry Weapons Form.
3. Prior to any sworn officer carrying an off-duty handgun other than the Glock model 22, an officer must apply in writing, on MNPB Form 051, Alternate/Additional Carry Weapons Form, and must receive authorization from their bureau commander.
4. All approved off-duty handguns will be inspected by a Training Academy firearms instructor or the department armorer prior to qualification. The scheduling of the inspection will be the responsibility of the officer.
5. The department does not assume any obligation for the repair or maintenance of personally owned weapons. In the event an academy firearms instructor or department armorer determines a personally owned firearm unsafe, the firearm will not be carried under any circumstances until the weapon is repaired. After repair, an academy firearms instructor or armorer must approve the firearm.
6. Approved Off-Duty Weapons
  - a. The following handguns manufactures have been approved for off-duty use, subject to the provisions herein:
    - (1) Glock Model 23, .40 Caliber;
    - (2) Glock Model 27, .40 Caliber;
    - (3) Glock Model 17, 9mm Caliber;

- (4) Glock Model 19, 9mm Caliber;
- (5) Glock Model 26, 9mm Caliber;
- (6) Walther, Sig-Sauer, or Beretta .380 Caliber;
- (7) Smith & Wesson, Ruger and Taurus snub-nose revolvers with .38 caliber ammunition; and
- (8) Kel-Tec .380 Caliber semi-automatic.
- (9) Kahr Arms – P Series .40 S&W Pistol / P Series 9MM Pistol
- (10) Ruger LCP – .380 Pistol
- (11) Kel – Tec P9 – 9MM Pistol
- (12) Diamond Back – .380 Pistol
- (13) S&W Bodyguard 380
- (14) Smith and Wesson - M&P Striker Fired Pistols
- (15) Sig-Sauer 320 & 365 Striker Fired Pistols
- (16) Beretta APX Striker Fired Pistols

- b. The only approved ammunition is ammunition issued or approved by the Metropolitan Police Training Academy.

#### **I. Ammunition**

##### **1. General Provisions**

- a. An employee shall carry and use only the ammunition that has been issued by the Training Division for use in an authorized or alternate firearm.
- b. The ammunition to be issued shall be authorized by the Chief of Police, under direction of the commander of the Training Division.

##### **2. Off-Duty and Secondary/Back-Up Firearms**

- a. An employee off-duty shall only carry and use the ammunition that has been issued or approved by the Training Division and the Chief of Police or his/her designee for use in an approved off-duty firearm.

##### **3. Approved Ammunition**

The Training Division shall maintain a roster of the ammunition, which has been approved for issue/duty use.

**NOTE:** Consistent with technological advances and other considerations, the Chief of Police, upon recommendation of the Training Division, may approve other firearms and ammunition.

**J. Holsters**

**1. On-Duty**

- a. An employee shall carry the authorized firearm in a holster, suitable in design for duty use, at all times when not being utilized.
- b. The Training Division staff shall inspect holsters annually during In-Service Training for overall quality and suitability for duty use.

**2. Off-Duty**

An employee shall carry the authorized firearm in a holster or other approved device of appropriate quality designed to safely carry the firearm. The Training Division firearms staff shall inspect the off-duty holster/device for overall quality and suitability for use.

**K. Loss or Theft**

1. An employee whose authorized firearm has been stolen, lost, or damaged shall immediately notify their supervisor and document the event consistent with department report writing and administrative policy.
2. The employee shall be placed on restrictive duty until a suitable replacement has been provided or authorized by the Training Division.
3. An employee who has a personal firearm lost or stolen shall document the event consistent with the departmental report writing policy.

**L. Safety and Handling**

**1. Safety**

**a. General Provisions**

- (1) To ensure the safety of all citizens and personnel, employees shall treat **all** firearms as if they are loaded.
- (2) Any loading or unloading of a firearm should be accomplished with the muzzle pointed in a safe direction (a direction in which that if an accidental discharge occurs; only minor property damage will result).

- (3) The actual discharge of a firearm by an employee performing law enforcement duties shall be limited to:
  - (a). firearms training and/or qualification requirements, and
  - (b). circumstances where the use of deadly force is authorized.
- (4) An employee shall obey all applicable rules while at the firing range, either as posted notices or provided by a firearms instructor/range master.
- (5) An employee shall unload, in a safe manner, any firearm that is to be cleaned, serviced, or inspected.
- (6) Storage
  - (a). An employee storing a loaded firearm, for an extended period, shall keep the firearm in a locked case, rack, drawer or other "secure" device until its removal is authorized.
  - (b). An employee storing a firearm shall be responsible for the safety and security of the firearm unless another employee assumes the responsibility.
  - (c). An employee shall keep **all** firearms and ammunition out of reach of children in a secure manner.

## 2. Handling

- a. Employees shall only draw a firearm in a safe manner and in the proper performance of their duty, consistent with established policy and training.
- b. Employees using a firearm, for an authorized purpose, should observe all safety precautions necessary to avoid unintentional injury or damage.
- c. Employees shall adhere to department approved procedures, training, and tactics.
- d. Supervisors are charged with the continuing duty to monitor all employees regarding the judgmental use in handling and deployment of firearms. Any employee found to be deficient in firearms handling or maintenance by any sworn supervisor or departmental firearms training staff shall be subject to immediate corrective action (e.g. remove an employee's

authority to possess a departmental weapon or removal of authority to carry a weapon on duty) until an appropriate command level review under established policy on decommission, corrective/disciplinary action and/or remedial training can be conducted.

#### **8.10.050 Inspection and Maintenance**

##### **A. Inspections of Firearms**

1. An employee carrying a firearm on-duty shall be subject to have any firearm inspected by supervisory or training personnel or other authorized personnel.
2. The firearm shall be inspected by the employee's immediate supervisor or a designee. The Inspections Section may inspect any employee's firearm at any time deemed necessary.
3. Each firearm shall be inspected for an odor of gun powder, overall cleanliness, residue buildup, rust, pitting, barrel obstructions, and general function. The inspector shall also inspect the ammunition to ensure it is in good condition and is the authorized ammunition.
4. An employee relinquishing a firearm shall ensure that the firearm is unloaded. An employee with a semi-automatic shall remove the magazine from the weapon with the weapon holstered. The weapon shall be drawn from the holster, pointed in a safe direction, and the slide locked back, ejecting the chambered round onto a suitable surface (Do not attempt to catch or eject a chambered round into the hand).
5. An employee with a revolver shall open the cylinder with the firearm pointed in a safe direction, grasp the revolver by the top strap, tilt the revolver, with the barrel pointing upward, and remove all rounds from the cylinder.
6. An employee with a shotgun shall point the shotgun in a safe direction ensuring that the safety is "on", depress the action release, and open the action; allowing the chambered round to fall from the action. Remove all remaining rounds by depressing the shell latch on the inside of the receiver on the ejection port side.
7. A semi-automatic handgun, shotgun, or rifle being relinquished shall be presented with the action open, safety on, and if applicable, any magazine removed.

8. Any employee loading or unloading a firearm shall always point the firearm in a safe direction, keeping fingers out of the trigger guard, and ensuring any safeties are engaged. Any employee accepting or relinquishing a firearm shall check the weapon for any live rounds.
9. Any employee found to be deficient in firearms handling or maintenance by any inspector/supervisor shall be subject to corrective or disciplinary action and/or remedial training.
10. Alternate and secondary/back-up firearms shall be inspected by the employee's immediate supervisor or a designee during routine inspections. The employee's supervisors or Inspections Section personnel may inspect any employee's alternate, secondary/back-up, or off-duty firearm at any time deemed necessary.

**B. Maintenance of Firearms and Records**

**1. Repairs and Modification**

- a. Any necessary repairs or modifications to any authorized firearm shall be made only by a factory authorized technician/department armorer. Employees relinquishing a firearm for repair shall notify their immediate supervisor and may be placed on restricted duty until a suitable replacement is provided or authorized by the Training Division.
- b. An employee shall not modify any issued or approved firearm without the consent of the Training Division supervising firearms instructor and department armorer.
- c. Any modification will be noted on the records maintained by the Training Division. Modifications may be made to personally owned/authorized firearms with approval of the Training Division supervising firearms instructor and department armorer. Any modification deemed unsafe by the Training Division may be grounds for corrective action or revocation of carry privileges.

**C. Firearms Records**

1. The Training Division shall maintain records of firearms issued to employees. This record shall include, but not be limited to: serial number, make, model, caliber, any MNPD number, and date issued.

2. The Training Division shall maintain records of personally owned authorized weapons. This record shall include, but not be limited to: serial number, make, model, caliber, and date approved.
3. The Training Division shall maintain qualification scores and records of all employees carrying firearms. The Training Division, via the chain of command, shall make necessary notifications of anyone who fails to meet qualification standards.
4. The Training Division shall maintain qualification scores and records of all employees carrying firearms. The Training Division, via the chain of command, shall make necessary notifications of anyone who fails to meet qualification standards.

**D. Test Firing for Ballistic Identification**

1. All authorized MNPDP firearms may be required to be submitted for test firing. Any firearm authorized by the Metropolitan Nashville Police Department for use, on-duty or off-duty, may be required to be submitted to the MNPDP Technical Investigations Section for test firing, per order of the Chief of Police.
2. Personnel of the MNPDP Technical Investigations Section shall be responsible for the production, proper documentation and storage of projectiles from any firearm submitted for test firing.

**8.10.060 Training and Qualification**

**A. Handguns**

1. The Chief of Police or designee, based on the recommendations of the director of the Training Division, shall approve the qualification course(s). Such recommendation shall be consistent with POST Rules and this policy. Such approved courses shall be documented in the training records and/or on the departmentally approved lesson plan.
2. All personnel authorized to carry firearms shall qualify with the authorized firearm as well as any other approved off-duty or alternate/back-up firearms.
3. Personnel will qualify twice each calendar year. The year will be divided into two six month segments (January-June; July-December). Personnel should qualify once during each segment. One qualification will occur during in-service training. During this segment of training the department's use of force policy will be



reviewed. The other qualification should occur during the opposite segment of the year, as scheduled by the Training Division.

4. Officers failing to qualify during their first qualification run shall be required to fire an additional qualification run during the same day or as scheduled by the Training Division. Those participating in an additional qualification run shall be graded on a pass/fail standard and receive a POST firearms test score of 75% for passing firearms, regardless of the number of hits/score. Additionally, officers who fail to qualify after two qualification runs shall be required to attend remedial training classes.
5. If, after two (2) qualification runs, an officer has not met the 75 % requirement:
  - a. The officer shall turn in issued handgun(s) or alternate/back-up handgun weapons, if applicable, before leaving the gun range and shall be decommissioned consistent with established policy.
  - b. The officer has the option of:
    - (1) being placed on restrictive duty, then assigned to the Training Division for intensive firearms training;
    - (2) retiring, if eligible; or
    - (3) resigning.

Persons failing to elect one of these options shall be terminated.

6. Officers electing to try to qualify while on restrictive duty are to report on the first Thursday following their in-service training to the Training Academy. Restrictive duty assignments shall begin immediately following completion of in-service training.
  - a. Officers will be given up to one week to receive instruction, practice, and to qualify. No more than two runs for qualification will be allowed per day.
  - b. To qualify on restrictive duty, a minimum average score of 75% must be attained for two consecutive runs in one day.
  - c. An officer who fails to qualify after that week must either resign or retire, if eligible. Those doing neither shall be terminated.
  - d. Officers who do not successfully pass the firearms qualification standards during the first week of in-service training shall not qualify for the in-service supplemental pay.

**B. Shotgun**

1. The department may issue a shotgun to authorized employees with a duty assignment which may necessitate the use of a shotgun. Personnel with such duty assignment shall qualify with an approved shotgun prior to completing in-service training or as required by the Training Division.
2. Officers failing to qualify with an approved shotgun will be scheduled to attend remedial shotgun training. The issued shotgun will be stored at the training academy until successful completion of the remedial training and qualification.
3. The Chief of Police or designee, based on the recommendations of the director of the Training Division, shall approve the qualification course(s). Such recommendation shall be consistent with POST Rules and this policy. Such approved courses shall be documented in the training records and/or on the departmentally approved lesson plan.

**C. Alternate, Off-Duty, & Other Firearms**

1. Qualification with an off-duty firearm or alternate weapon shall be done on a course prescribed by the Training Division. Officers must show competency in weapons maintenance, handling, and firing prior to any carry approval being issued or recorded.
2. All qualification with department issued off-duty or other firearms should be completed at the same time as the duty weapons. Personnel will bring all department issued weapons when they attend in-service or second qualification firearms training. Qualification with personally owned weapons may be held at that time, or may be done on practice days.
3. Personnel not qualifying with issued off-duty weapons will be required to turn the weapon in to the Training Division.
4. Officers failing to qualify with an approved alternate weapon, off-duty only weapon, or any other weapon, will lose the authority to carry the weapon until any deficiencies are corrected.
5. The qualification course for alternate, off-duty, and other firearms shall be a departmentally designed course approved by the Training Division.

**D. Medical Exemptions**

1. Officers having any type of temporary or permanent medical exemption during their scheduled in-service week must provide a medical waiver signed by a physician stating that they can complete firearms qualifications.
2. Officers unable to participate in firearms qualification during in-service training will have all issued firearms, ammunition, and alternate weapons forms taken up by the Training Division until released to qualify.

## **8.20 Clothing and Equipment**

### **8.20.010 Purpose**

The purpose of this chapter is to establish guidelines regarding the department's dress code, equipment, and use of insignia.

### **8.20.020 Policy**

It shall be the policy of the Metropolitan Nashville Police Department (MNPd) that all MNPd personnel present a professional appearance at all times while on duty and/or conducting business for the MNPd. All MNPd employees shall adhere to the policies and procedures described herein.

- A. Employees shall only wear complete, departmentally approved, uniforms that comply with current departmental standards of appearance. In addition, uniforms shall be free from any foreign matter, tears, loose threads or other such imperfections. *(Category D)*
- B. Employees shall only wear the departmental uniform while on-duty, en route to or from duty, departmentally approved events, or when authorized by established policy. *(Category D)*
- C. Employees shall not wear uniforms while in an off-duty status except when authorized by established policy. *(Category D)*
- D. No employee, while in uniform, shall wear on the uniform or display any item (e.g. pins, patches, etc.) not specifically issued by the department or authorized by written order of the Chief of Police. *(Category D)*
- E. When reporting for jury duty, employees of the MNPd are fulfilling their duties as private citizens, not police officers. Therefore, when reporting for jury duty, employees shall dress in appropriate civilian attire. No employee shall wear any departmental uniform, display any departmental insignia or carry any firearm(s). *(Category D)*
- F. Employees who are on light duty or restricted duty shall not be attired in the uniform of the department or display any insignia or credential unique to a uniformed member of the department unless authorized by appropriate supervisory personnel.

### **8.20.030 Uniform and Equipment Committee**

- A. The Chief of Police may establish a Uniform and Equipment Committee and appoint a chairperson for the purpose of reviewing and analyzing current needs and problems concerning the uniform, equipment, insignia, and other related materials approved by the

department. The committee should be composed of a broad segment of the department.

- B. Any employee of the department having recommendations or complaints involving clothing or equipment shall submit them in writing through their chain of command for review and consideration. Any items recommended, shall be sent to the Chief of Police for final approval.

#### **8.20.040 Clothing Allowance**

- A. The Chief of Police shall cause a formal contractual agreement with specified requirements to be entered into with a uniform supply vendor. The specifications included in the contract will be maintained by the Fiscal Affairs Division. The vendor will supply the department with uniforms, equipment, and other related materials approved by the department.
- B. As part of the department's annual budget, employees may receive a predetermined uniform or clothing allowance to supplement the purchase and maintenance of authorized wearing apparel, equipment, and other items required for the performance of their duties. The allowance shall be used to purchase and maintain only those items authorized by the department. The purchase of any unauthorized wearing apparel, equipment item, or other misuse of the allowance shall be considered grounds for corrective or disciplinary action, and may result in forfeiture of the total allowance. *(A violation of this provision shall generally be a Category F Offense.)*
- C. The allowance shall be advanced by the Fiscal Affairs Division according to current policy and procedure for clothing allowance payments to employees. Generally, the clothing allowance is advanced in the following manner:
  - 1. The allowance for an employee assigned to uniform duty shall be advanced directly to the contracted supply vendor. The amount will be credited to an account in the employee's name. The employee shall then obtain approved items during the time period the allowance is in effect.
  - 2. The allowance for an employee assigned to non-uniform duty will be advanced directly to the employee. The employee shall cash the check within the time period it is valid and obtain approved wearing apparel and equipment as needed to maintain established departmental standards.
  - 3. New employees, including Police Officer Trainees, are entitled to only half of the allowance during the fiscal year in which they begin employment.

- D. At the time the allowance becomes effective, a notice shall be disseminated to affected employees. This notice will specify the authorized vendor, the availability of a list detailing authorized items, and the time period in which the allowance must be used.

**8.20.050 General Provisions**

- A. The terms uniform and equipment mean those items of wearing apparel (including uniform insignia items) worn or displayed by employees to identify themselves as members of the department, and the tools, implements, and other items authorized for use in performing their official duties.
- B. Uniform apparel shall bear approved insignia to clearly identify police officers by their classified ranks or position as employees of the department.
- C. Any sworn or uniformed employee, regardless of rank, position, or assignment, will be required to maintain a sufficient number of complete uniforms in a serviceable condition, and must at all times be prepared to respond to emergencies or contingency operations where the wearing of the uniform is required or preferred.
- D. An officer shall wear only the uniform items or use the equipment authorized by the department. An officer shall refrain from wearing the uniform at times other than specified hours of work or assignment, unless they are fully prepared to perform law enforcement duties.
- E. The uniform shall be maintained in a neat, clean, and serviceable condition. Any time its condition falls below a desirable standard, the deficiency shall be pointed out to the employee by his/her supervisor at the time it is observed. Such action should be considered as a warning, preceding corrective or disciplinary action. Prior to each tour of duty, officers shall be generally observed, if not formally inspected by their supervisor.
- F. Any uniform or equipment item issued to, or authorized for use by, an employee shall be used for official purposes only. It shall not be altered in any way or used for any purpose other than that for which it is designed or intended. Any unauthorized use or alteration shall be considered grounds for corrective or disciplinary action.
- G. At no time will employees wear only part of the uniform or allow any person outside the department to use any portion of the uniform or equipment issued to them by the department. Such conduct will be considered grounds for corrective or disciplinary action. In order for the uniform to be considered complete it must consist of only those items specified and approved.

- H. Civilian personnel, with the exception of Property Guards or other individuals designated by the Chief of Police, shall not be authorized to wear any departmental insignia, emblem, device, or logo that is usually worn by sworn personnel.
- I. Employees shall report immediately to their supervisor, in writing, any damage, loss, or theft of a uniform or equipment issued or made available to them by the department, detailing the circumstances involved.
  - 1. The supervisor shall then determine the cause of the damage or loss. If the occurrence was not due to the employee's negligence, or was caused during the performance of his/her duties, the finding shall be submitted in writing through the chain of command to the bureau commander.
  - 2. The necessary reports and forms shall be submitted to the Fiscal Affairs Division so the appropriate restitutions can be made.
  - 3. If it is determined that such occurrence was due to the employee's negligence or it was not caused during the actual performance of duty, then notwithstanding any corrective or disciplinary action, appropriate restitution will be made by the employee at his/her own expense.
  - 4. When any uniform or equipment item of significant value or importance is lost or stolen, particularly items of authority or weapons (e.g., badge, cap emblem, identification or security card, firearm, etc.), the employee shall complete an **INCIDENT REPORT** [MNPd Form 100] and cause a copy to be forwarded immediately to their division/precinct commander for further investigation. As soon as practical, notice regarding the loss of these items, shall be reported to the command and executive staff.
- J. Whenever any damage or loss of a uniform or equipment occurs in the performance of duty, but not due to an employee's negligence, an effort will be made to obtain restitution from the person deemed to be responsible for such damage or loss.
  - 1. The incident involved will be detailed in applicable reports so that the circumstances may be recalled later during official proceedings, whereby the court or other official might consider restitution for such damage or loss in the disposition of the case itself.
  - 2. Should any payment for damaged or lost items be received it shall be remanded to the receiving employee's supervisor who in turn will cause appropriate adjustments to be made to compensate the department's cost of any previous restitution.

- K. Upon any leave of absence employees may be required to surrender certain uniform and equipment items. With regard to leaves for disciplinary purposes in particular, employees may be required to surrender their official credentials (badge and identification card), issued firearm(s), and vehicles unless otherwise directed by the Chief of Police. Such items will be turned over to the employee's division commander for the duration of the leave time. However, should the Chief of Police so direct, or an employee be terminated, then such items will be returned to the Supply Section. When an employee is relieved of his/her official credentials and firearm(s), he/she is relieved of his/her police authority for the time period involved.
- L. Upon leaving the service of the department, an employee shall be provided a list of any uniform and equipment items issued or made available which shall be surrendered. Any item which cannot be accounted for at the time may result in the employee having to make appropriate restitution; notwithstanding any official action which may have brought about his/her termination or which may occur subsequent to their termination. Failure to comply with this provision may result in the delay or forfeiture of any pay or benefit due the employee. Wearing apparel and other items which have lost considerable value due to wear or use may be exempted from this requirement.
- M. The MNPDP Training Academy shall provide for the secure disposition of unserviceable uniforms or equipment, which may have MNPDP distinguishable emblems, insignia, devices, or logos or equipment or items, by their nature, should be securely discarded.
- N. An employee having a unique, undercover or other specific assignment may be exempt from the regulations in this chapter, subject to the approval of the division commander where the employee is assigned.
- O. The Chief of Police may direct a change of uniform anytime wearing of an alternative uniform is better suited for a specific assignment, occasion, or event.
- P. Stored equipment will be located in designated secure areas and will be inspected at regular intervals by supervisory or other authorized personnel, to ensure that items such as radios, batons, radar, cameras, etc., are maintained in a state of operational readiness by the unit or person to which the property is assigned.

#### **8.20.060 Uniform Styles**

##### **A. General Duty Uniform**

The General Duty Uniform is the uniform generally worn by officers while performing law enforcement duties. Generally, all sworn



personnel will wear the general duty uniform. The general duty uniform has two (2) classifications:

1. **Class A Uniform**: A uniform generally characterized by a long sleeve shirt worn with a necktie (necktie is optional for the rank of lieutenant and below). The uniform is generally worn during the cooler seasons, and when attending formal events and ceremonies.

*Fig. 1 – Class A Uniform Example*



**Class A Uniform**

2. **Class B Uniform:** A uniform generally characterized by a short sleeve shirt worn with an open collar. It is generally worn during the warmer seasons. A long sleeve shirt may also be worn with an open collar for the rank of lieutenant and below.

*Figs. 2-4 – Class B Uniform Examples*



**Sergeant Class B Uniform**



**Officer Class B Uniform**

## **B. Special Duty Uniform**

The Special Duty uniform is worn by officers responsible for a specific assignment requiring minor variations from the general duty uniform. Special Duty Uniform specifications for employees assigned to specific specialized units or sections shall be maintained in the Standard Operating Procedures Manual of those elements. Such assignments shall include, but are not limited to: Drill and Ceremony Team, Motorcycle Unit(s), Mounted Patrol Unit, Property Guards, SWAT, Aviation, Bicycle, Training Academy (staff and police trainees), and the Crime Lab.

## **C. Dress Uniform**

A standard issue uniform for those sworn personnel holding the rank of captain or above and an alternate uniform available for wear by all sworn personnel. The Dress Uniform is standard uniform attire for those holding the rank of captain and above for certain designated ceremonies, public appearances, or when otherwise directed by the Chief of Police. The uniform differs from the standard Class A uniform in that it consists of a white uniform shirt, standard issue tie with tie tack, and a blazer with badge, nameplate assembly, and, where appropriate, gold banding at the wrist to signify rank.

### **8.20.070 Uniform Components**

For the uniform to be considered acceptable, the apparel specified herein must be worn and otherwise be in compliance with these provisions:

#### **A. Trousers**

Must be tailored to a length no shorter than the top of the shoes when wearing "low cut" shoes, and no longer than the top of the heels of the same type shoes when standing in an upright erect position.

#### **B. Shirts**

Must be tailored where the sleeves of long sleeve garments (Class A Uniform) will reach the joint of the wrist. The sleeves shall not be rolled up or under at any time. They shall be in a fully button-down condition. The tail of the garment shall be neatly tucked inside the trousers or skirt at the waist. The collar shall not be turned up or under, or otherwise altered from the style or position for which it is designed. All front buttons of a long sleeve shirt shall be buttoned for the rank of Captain and above, unless worn with a turtleneck undershirt. Top buttons may be left unfastened for the ranks of lieutenant and below.

On a short sleeve shirt (Class B Uniform) only the top button shall be left unfastened, so that the collar will be open at the neck. A black crew neck style undershirt shall be worn with a shirt. V-neck style undershirts are prohibited.

**C. Turtle Neck Undershirt**

The turtle neck undershirt is optional with the "Class A" general duty uniform. The turtle neck undershirt may only be worn when not wearing a tie. It must be the issued or approved color and should be embroidered with "MNPd" in silver letters for officers and gold letters for sergeants and above.

**D. Tie**

Will be optional for the rank of lieutenant and below with the "Class A" general duty uniform. It shall remain mandatory for the ranks of captain and above to wear the uniform tie with the "Class A" general duty uniform on all occasions, unless a turtleneck undershirt is worn.

The approved tie tack shall be attached to the center of the tie and even with the center of the shirt pockets.

**E. Uniform Cap**

1. Must be of a size that fits when properly positioned on the head. The band shall rest approximately one inch above the ear on the sides and one and one-half inches above the eyebrows in the front. The appropriate cap badge for the employee's rank shall be affixed to the front of the cap at all times the cap is being worn or displayed. The cap for the rank of officer shall have a black plastic band across the front of the headband, secured by two silver buttons on either end, and two blue stripes around the outside of the headband. The cap for the rank of sergeant and above shall have a gold fabric band across the front of the headband, secured by two gold buttons, and a gold cloth stripe around the outside bottom edge of the headband. The ranks of lieutenant and captain shall add gold star(s) to either side of the cap, centered on the headband, and located immediately to the rear of the gold band and button. There shall be one (1) star for the rank of lieutenant, two (2) stars for the rank of captain. (see Fig – 6 A & B below)
2. Wearing of the uniform five point cap is optional, except at funeral services for law enforcement officers, and other such formal type ceremonies as may be directed by the Chief of Police.

### **3. Alternate Uniform Hat**

The Chief of Police has approved an approved alternate to the uniform cap: felt (Stratton F42) or straw (Stratton S42) for various outdoor conditions; blue for sworn employees and tan for property guards.

This uniform hat provides enhanced protection for the employee in protecting their head from the sun, cold, rain and such while maintaining a professional image. (see Fig – 6, C below)

*Fig. 6 – Uniform Cap & Alternate Uniform Hat*



**F. Other Headwear**

1. **Ball Cap:** As an option to the five point uniform cap, the fitted style ball cap, with the issued or approved design centered on the front of the cap, may be worn when outside on fixed post positions for an extended period of time. All lettering will be white or silver for officers and gold for supervisors. The color and fabric of the ball cap shall be specified with the contract vendor to match the uniform style. The appropriate color/fabric will be worn with the appropriately matched uniform style.
2. **Toboggan/Watch Hat or Insulated Cap with ear protection:** A wool or similar approved insulating fabric hat bearing an approved design, which may be worn during cold weather months. Certain styles of the insulated cap may require the hat badge to be removed from the 5 point hat and installed in the appropriate location. All lettering will be white or silver for officers and gold for supervisors. The color and fabric of the ball cap shall be specified with the contract vendor to match the uniform style. The appropriate color/fabric will be worn with the appropriately matched uniform style.
3. **Helmets or other headgear:** The department may issue or approve helmets to those personnel in assignments where the law requires or best practices suggest a helmet is an appropriate uniform item. Such helmets shall be described in the appropriate unit, section, or division Standard Operating Procedures Manual along with any requirements for manner or style of wear.

**G. Shoes/Boots**

Must be clean, polished to a luster, and kept in a serviceable condition. Laces, straps, buckles, zippers, and other approved fastening devices shall be fastened at all times. Only black or navy blue socks or hosiery shall be worn with low cut shoes. White socks may be worn with boots provided they are not visible.

**H. Belt**

Must be clean and otherwise kept in a serviceable condition. Buckles and other fastening devices will be fastened at all times. The uniform belt worn under the authorized duty belt shall be Velcro type, black in color.

**I. All Weather Jacket**

The All-Weather Jacket will be issued to all sworn personnel during recruit training. It has a liner for winter wear. It shall bear the department's shoulder patch both sleeves.

1. The name of the wearer must be permanently embroidered above the right pocket. The department's issued badge or a cloth badge must be displayed over the left breast when the jacket is worn.
2. Approved rank insignia will be worn. Sergeant and FTO chevrons will be attached to the sleeve in an appropriate position. For all other ranks, it may be placed or embroidered on the epaulets. When fabric integrity may be affected by puncture, sergeant and FTO chevrons may be adhered with Velcro and other rank insignia, normally worn on and visible upon the collar, is an acceptable alternative.
3. The all-weather jacket liner, which may be of fleece, "soft shell", or other suitable material construction, may be worn as an outer garment without the jacket shell when conditions are appropriate, provided the liner also has a name tape, badge insignia, and rank insignia (if applicable) properly affixed.

*Fig. 7 – All Weather Jacket:*



**All Weather Jacket**

**Note:** The leather jacket, as an issued item, is considered obsolete. However, those personnel still in possession of a departmentally issued leather jacket may continue to wear the jacket so long as the condition of the jacket meets departmental standards for a professional appearance. While wearing the leather jacket, an employee shall have the badge and nameplate/service emblem assembly properly attached to the tabs provided on the jacket, so that they will be clearly visible at all times. No alternatives to the issued badge or nameplate assembly are authorized for wearing on the jacket. With the exception of the departmental "shoulder patch" on the sleeves, only approved rank insignia, sergeant/FTO chevrons on sleeves, and rank insignia on epaulets for lieutenants and above, will be attached to the jacket.

Similarly, the commando sweater, as an issued item, is considered obsolete. However, those personnel still in possession of a departmentally issued sweater may continue to wear the sweater so long as the condition of the sweater meets departmental standards for a professional appearance. It may be worn with the "Class A" uniform or long sleeve utility uniform only as an alternative to the uniform jackets. It shall bear the department's shoulder patch, badge, and nameplate. No other emblem or patch shall be attached or displayed on the sweater.

1. The collar of the uniform shirt shall be open and extended over the neck opening of the sweater, so that the employee's rank insignia is clearly visible at all times. The lower part of the sweater must not hang down over the utility belt.
2. For employees whose rank or position insignia is usually worn on the sleeves the insignia pins will be properly positioned on the shirt collar in the same manner as those of higher ranks when the sweater is being worn.

#### **J. Other Cold Weather Apparel**

Scarves, neck warmers, and ear bands may be worn to assist uniformed employees, while conducting duties in the field, during periods of cold weather. Such items shall be solid in color with the approved colors of black or navy blue. They shall be free from any logos or embroidery which is intended to advertise or endorse any team, group, or product.

#### **K. Eyewear**

Eyewear shall not have rims that are made of materials or color that distract from the professional appearance of the uniform and should be constructed from materials designed to withstand the duties of a law enforcement officer. No mirrored lenses shall be approved.



## **L. Raid Vest or Jacket**

Sworn personnel, working or assigned to plain clothes activities, who respond to assist at raids, pre-planned arrest situations (with or without a warrant), search warrant executions, searches for wanted persons, and similar activities where it is not feasible to change into standard uniform attire are authorized to wear an issued or approved raid vest or jacket that houses or covers their body armor.

Such raid vests or raid jackets shall meet the following minimal acceptable standards for identification:

### **1. Front of Vest or Jacket:**

- a. Agency identification prominently displayed in the form of direct embroidery, silkscreen, or a patch bearing the design of the issued MNPD shoulder patch and/or badge patch;
- b. Authority identification prominently displayed in the form of direct embroidery, silkscreen, or a patch bearing the word "POLICE" or "METRO POLICE" entirely in capital letters, at least one (1) inch in letter height and in white/silver color for officers and gold/yellow for supervisors; and
- c. Employee identification: where feasible, without compromising investigative efforts, the employee name shall be displayed.

### **2. Back of Vest or Jacket:**

Agency identification and authority prominently displayed in the form of direct embroidery, silkscreen, or a patch bearing:

- a. The design of the issued MNPD shoulder patch and the word "POLICE" entirely in capital letters, at least two (2) inches in letter height and in white/silver color for officers and gold/yellow for supervisors, or
- b. A single identifier in the form of direct embroidery, silkscreen, or a patch bearing "METRO POLICE" entirely in capital letters, at least two (2) inches in letter height and in white/silver color for officers and gold/yellow for supervisors.

*Fig. 8 – Raid Vest:*



M. Deviations from the standards herein may exist in approved division SOP's that provide a similar or higher standard (for agency and officer identity) which considers the unique requirements of the particular division (e.g. SRT heavy vests in olive drab and black, vests worn over certain hazardous material protective clothing, etc.).

#### **8.20.080 Insignia**

“Insignia” shall be defined as a badge or emblem of distinctive design and uniform in appearance which identifies an organization, distinguishes authority, honor, and/or accomplishment of individual members thereof.

Upon issuance of any insignia to an employee, the department shall maintain a record and be responsible for the repair, replacement, and return of the items.

##### **A. Badge**

1. An officer of the department shall possess, display, and use only the badge issued to them by the department, unless otherwise authorized by the Chief of Police. Any approved alternative to the issued badge must be of the same size and shape as the issued badge. Any badge of lesser size, even though it may bear the proper government seal, lettering, rank, and serial number, shall not be recognized by the department as proper identification for its employees.
2. Officers are authorized to carry the badge at all times but shall display or use the badge only while performing law enforcement duties. The badge shall be carried at all times when the officer is armed. It shall not be displayed or used to influence any personal or private benefit.

3. The badge is a component part of the uniform, except for the utility uniform and lightweight jacket. When an employee is in uniform, it shall be worn in full view at all times, using the badge tab provided on the uniform apparel (e.g., shirt, blouse, outer garment, etc.). If a tab is not provided on the apparel item, the badge will be centered directly above the left breast pocket.

*Fig. 9 – Badge, Nameplate, and Pin Placement:*



4. When not in uniform, and performing law enforcement duties, an employee shall carry the badge in a proper carrying case or belt holder, along with their identification card, so as to afford them the proper "official credentials" needed to exercise their police authority. As time and circumstance permits, prior to exercising law enforcement duties, an employee shall make such credentials clearly visible to anyone having cause to view them.
5. Subject to supervisory approval, members having unique undercover or vice related assignments, wherein their safety might be jeopardized should their identity be revealed, may not be required to have such official items in their possession.
6. In recognition of an employee's service to the department, the Chief of Police may authorize an employee who dies with honor to be entitled to have their badge displayed on their person while lying in state. Such an occurrence is subject to approval of the employee's survivors. If enacted, the badge will be removed prior to internment and the Chief of Police will determine further disposition, whereas:
  - a. If the employee's death resulted from their performance of an official duty, a proper ceremony will be conducted within a

reasonable time after the funeral and the Chief of Police or his designee will present an appropriate award and/or medal in lieu of the breast badge to the employee's survivors. The badge itself will then be memorialized and enshrined in a display case, either at the Training Academy, or other location approved by the Chief of Police for public view. **At the sole discretion of the Chief of Police, the badge number assigned to the employee at the time of their death will be taken out of service and no longer be issued. This will be recorded on the employee's master card and the numeric card located in the Supply Section.**

- b. If the employee's death was non-duty related, or due to natural causes, the badge will be returned to the Supply Section, unless otherwise authorized by the Chief of Police.
7. A black mourning band may be worn on the badge in honor of law enforcement officers who have died in the line of duty. The mourning band consists of black elastic fabric, ½ inch in width, worn horizontally across the middle seal of the badge. Other materials such as black tape are not to be used. The Chief of Police shall designate the periods for the wearing of such bands.

**B. Duplicate Numbered Wallet Badge:**

- 1. Any sworn employee who requests a duplicate numbered wallet badge must obtain approval from their bureau chief and the Chief of Police by completing MNPDP Form 057, Request/Authorization for Duplicate Numbered Wallet Badge.
- 2. The cost of the duplicate badge will normally either be charged to the employee's clothing allowance or the employee will pay for it, except in those cases where the Chief of Police deems it necessary to bill the department.
- 3. All wallet badges will be delivered by the approved vendor to the Inventory Supply Section of the department where it shall be registered before being issued to the requesting employee.
- 4. **All** duplicate badges, regardless of payment method, remain the property of the MNPDP and will be turned in to the department if the employee's service with the department is concluded prior to 25 years of service or if the badge number is changed for any reason.
- 5. The procedures will be followed when a sworn employee requests a duplicate badge:
  - a. After obtaining and completing MNPDP Form 057, the employee shall sign the form and include their badge number under the

signature. The employee will also designate how the cost of the badge is to be covered on the lower portion of the form.

- b. The employee's bureau chief shall either authorize or deny the request. If authorized, the bureau chief shall affix their signature and forward the request to the Chief of Police.
  - c. If authorized by the Chief of Police, MNPDP Form 057 Request/Authorization for Duplicate Numbered Badge will be forwarded to the Fiscal Affairs Division where the Fiscal Affairs Manager or designee will make a copy and forward the original request to the Supply Section.
  - d. In those instances where the badge is charged to the employee's clothing allowance or billed to the department the following will be adhered to:
    - i. The Supply Section will keep the original of MNPDP Form 057, Request/Authorization for Duplicate Numbered Badge. The approved MNPDP Form 057 request will be faxed to the approved vendor by Supply Section staff. Supply Section staff will stamp 'faxed' on the approved request, note the date of the fax and initial.
    - ii. After the badge is delivered to the Supply Section, the requesting employee will be notified.
    - iii. The requesting employee will go to the Supply Section where the badge will be registered by number and badge type on the requesting employee's master card as well as the numeric card. The requesting employee will sign an acknowledging receipt for the duplicate badge.
6. In situations where the officer is paying for the badge, employees will do the following:
- a. After obtaining and completing MNPDP Form 057, Request/Authorization for Duplicate Numbered Badge, the employee shall sign the form and include their assigned badge number under the signature. The employee will also designate how the cost of the duplicate badge is to be covered on the lower portion of the form.
  - b. The employee's bureau chief shall either authorize or deny the request. If authorized, the bureau chief shall affix their signature and forward the request to the Chief of Police.
  - c. If authorized by the Chief of Police, MNPDP Form 057, Request/Authorization for Duplicate Numbered Badge, will be

forwarded to the Fiscal Affairs Division where the Fiscal Affairs Manager will make a copy and forward the original request to the Supply Section.

- d. The Supply Section will notify the requesting employee that the request has been approved. The employee will go to the Supply Section and obtain a copy of the request/authorization form.

- e. The employee will take this copy of the request/authorization form to the supplier and pay them before the badge is ordered.

**NOTE: All duplicate badges ordered, regardless of payment method, shall be delivered to the Supply Section for issuance to the officer ordering the badge.**

- f. After the badge is delivered to the Supply Section, the requesting employee will be notified by email.
- g. The requesting employee will go to the Supply Section where the duplicate badge will be registered by number and badge type on the requesting employee's master card as well as the numeric card. The requesting employee will sign an acknowledging receipt for the duplicate badge.
- h. The Supply Section shall maintain the original request/authorization form as part of their records.

**C. Badges for Retiring Personnel:**

1. The department shall make a gift of the breast badge to all retiring sworn employees who have at least twenty-five (25) years of active service upon their retirement. To be eligible to receive the breast badge, the retiring police officer must have at least 25 years of service upon their retirement, retire in good standing and be eligible to receive a service pension. An employee requesting a retired badge must complete the certification request form available at Police Human Resources and such form be approved as required.
2. The issued breast badge being used by the employee at the time of their retirement will be returned to the Supply Section.
3. The eligible retiree's issued breast badge will be replaced with a breast badge that reads 'RETIRED' in bold letters. The retirement breast badge will be issued by Police Human Resources Division and the retiring officer will affix their signature on the required form acknowledging receipt of the retired breast badge. The Police Human Resources Division shall maintain a copy of the approved form in the appropriate employee personnel file.

4. At the sole discretion of the Chief of Police, a gift may be made of each breast badge type worn by a retiring officer during their years of active service. The following procedure will be followed when the breast badge(s) gift is to be presented to a retiring officer:
  - a. The Chief of Police shall cause the Inventory Supply Section supervisor to be notified of the breast badge(s) gift.
  - b. The Supply Section staff will advise the Chief of Police of the breast badge type worn by the retiring officer during their active years of service. The Supply Section staff will record each requested breast badge type issued on the appropriate inventory record.
5. All badges previously authorized by the Chief of Police, whether purchased by the Department or the employee, are subject to the perpetual responsibility and obligation that they be properly used and displayed. The badges are subject to forfeiture and return to the Metropolitan Nashville Police Department upon reasonable proof that a former employee, surviving spouse, lineal descendant or other party in possession of the badge improperly displayed or used the badge.

**D. Uniform Cap Emblem**

1. The cap emblem is a component part of the five point uniform cap and trooper hat. When an employee wears the uniform cap, the cap emblem will be worn in full view at all times, properly positioned and fasted to the "in-frame" beneath the uniform cap cover. An approved non-metal "replica" of the cap emblem or other similar emblem is authorized for wearing on helmets and utility caps.
2. The cap emblems will not be given to employees leaving the service of the department or retiring. They will instead be returned to the Inventory Management Section and subsequently re-issued as needed.
3. For deceased employees lying in state in uniform with the uniform cap displayed, cap emblems shall be properly displayed. Unless otherwise directed by the Chief of Police, or his designee, when an employee dies with honor while in the performance of official duties, cap emblems will not be removed prior to internment.

**E. Nameplate and Service Emblem Assembly**

1. The nameplate and service emblem assembly is a component part of the uniform. When an employee is in uniform, it shall be worn in full view at all times, directly above the right breast pocket of the uniform shirt, or blouse, centered with the pocket button. The

service emblem by virtue of its design must be attached to the nameplate. Properly assembled, the bottom edge of the nameplate will rest upon the top seam of the pocket, with the service emblem itself resting completely beneath the same top seam of the pocket. (Fig. 9)

2. Should there be no pocket; the assembled unit shall be centered over the right breast area of the garment in a similar position. An employee may have only their first and middle name or initials, title and their last name on the nameplate.
3. The nameplate shall be of metal construction with a polished finish, and be 2 ¼ inches in length by ½ inch in width. The nameplate and service emblem assembly shall be silver in color for officers, and gold in color for the ranks of sergeant and above.
4. The service emblem shall indicate the beginning year of law enforcement service with the Metropolitan Nashville Police Department.
5. An approved non-metal "replica" of the nameplate, embroidered cloth name tapes, or other similar emblems may be worn on uniform outer garments, and all utility type shirts and blouses. Such a replica or emblem will be properly affixed to garments by the supply vendor.
6. The department shall make a gift of the nameplate and service emblem assembly to all retiring employees who have at least twenty-five (25) years of active service upon their retirement. To be eligible to receive the assembly, an employee must retire in good standing and be eligible to receive a service pension.
7. The assembly will be presented at the same time the badge is presented.
8. In recognition of their service to the department, an employee who dies with honor shall be entitled to have their nameplate and service emblem displayed while lying in state. The nameplate and service emblem assembly will be removed prior to internment and the Chief of Police will determine further disposition, whereas:
  - a. If the employee's death resulted from their performance of an official duty, a proper ceremony will be conducted within a reasonable time after the funeral and the Chief of Police, or his designee, will present the nameplate and service emblem assembly to the employee's survivors.



- b. If the employee's death was non-duty related, or due to natural causes, the nameplate and service emblem assembly will be presented to the employee's survivors.

**F. Identification Card**

1. An employee of the department shall possess, display, and use only the identification card issued to them by the department, unless otherwise authorized by the Chief of Police. The identification card, as defined herein, qualifies as a form of insignia.
2. An employee shall carry their identification card at all times when armed, but shall display or use it only while performing law enforcement duties. It will not be displayed or used to influence any personal or private gain.
3. When not in uniform, and performing law enforcement duties, an employee shall carry their issued identification card in a proper carrying case, along with their badge, so as to afford them the proper "official credentials" needed to exercise their police authority.
4. When time and circumstance permit, an employee shall present their identification card to any person having cause and requesting to view them, and allow such person reasonable opportunity to observe their name and rank/classification thereon.
5. When any change occurs in their classification or name or is damaged, an employee shall return the card to the MNPd Human Resources Section and be issued a new card reflecting the change. The MNPd Human Resources Section shall then recover the employee's old card and cause it to be destroyed.
6. The department shall make a gift of an identification card to all retiring employees who have at least twenty-five (25) years of active service upon their retirement. To be eligible to receive the card, an employee must retire in good standing and be eligible to receive a service pension. An employee requesting a retired identification card must complete the certification request form available at Police Human Resources and such form be approved as required.
7. The card being used by the employee at the time of their retirement will be returned to the MNPd Human Resources Section where it will be altered to read "RETIRED" in bold letters, or another card specifically designed for retired employees will be issued to them. The card will then be presented to the employee at the same time the badge is presented.

**G. Security/Access Card**

1. An employee of the department shall possess, display, and use only the security/access card issued to them by the department, unless otherwise authorized by the Chief of Police. The employee will carry the card at all times during their tour of duty in order to gain access to areas of the Metropolitan Justice Center, the Communications Center, and other "secured" areas where they have clearance to be in the performance of their duties.
2. The security/access card, in addition to providing identifying information, is computer programmed for each individual employee and allows access only to those areas authorized for their use. When necessary to gain access to secured areas not afforded by their card, an employee must make arrangements with an employee having access to such areas. Such arrangements will be limited to the performance of official duties.
3. As with the identification card, badge, or other official identification items, the security/access card will not be displayed or used to influence any personal or private gain.
4. Except to make changes which have been clearly approved in writing by the Chief of Police, an employee shall not cause any security/access card to be altered, re-programmed, or otherwise changed from its issued condition. When necessary for a security/access card to be "re-programmed" to accommodate a change of assignment, a written request signed by the affected employee's division commander, detailing justification for the change, will be forwarded directly to the Facilities Security Unit. If approved a written directive will be issued authorizing the change.
5. When not in uniform, and exercising police authority, either in or around a secured area (e.g., the Metropolitan Justice Center, Communications Center, etc.), or around a location where a crime investigation is being conducted, an employee shall wear their security/access card in full view at all times. The card will be attached to the outer most garment worn by the employee, in the area of the left breast pocket, and may be removed when it is a disadvantage to any enforcement or investigative action.
6. Upon any leave of absence, other than regularly scheduled days off and approved "short term" leaves (e.g., sick leave, vacation, etc.), an employee may be required to surrender their security/access card. If so, the card may be held by their division commander, or a designee thereof, until the employee returns to duty.

7. Upon leaving the service of the department, regardless of the reason, an employee will be required to surrender their security/access card. The card will be returned to the Facilities Security Unit, who will cause it to be destroyed immediately.
8. When any change occurs in their classification or name, an employee will return their security/access card to the Facilities Security Unit and be issued a new card reflecting the change. The Facilities Security Unit shall then recover the employee's old card and cause it to be destroyed.

#### **H. Departmental Patch**

All sworn officers of the department are authorized to wear a uniform identification emblem as an integral part of their prescribed uniforms as a means of identifying the Department, so as to expedite the performance of their official duties.

On all sworn uniforms where the standard issue departmental shoulder patch is required, it shall be worn on both shoulders (to include, the General Duty Uniforms, Class A and B, and the Utility Uniform).

No non-sworn employee shall wear this patch or any facsimile of this patch, either on or off duty, in a manner which may cause a reasonable person to believe that the employee is a sworn law enforcement officer.

For sworn personnel, the use of unit, section or division unique patches or logos, as a shoulder patch, shall be limited to special duty uniforms (trainee uniforms, bomb suits, flame retardant suits, camouflage or similar uniforms for SWAT/SRT responses. Unique unit, section or division shoulder patches shall not be worn on the General Duty Uniform.

The emblem will be of one-piece circular cloth construction, four inches (4") in diameter, and bearing the full-color replica of the official seal of the Metropolitan Nashville Police Department.

Fig. 10 – MNPD Department Patch



The uniform identification emblem shall be properly positioned on prescribed uniforms, whereas:

- i. The emblems will be centered on the left and right sleeves;
- ii. The emblem will be sewn to the sleeve so as to be not less than  $\frac{1}{2}$  inch, nor more than  $\frac{3}{4}$  inch below the shoulder seam of the garment.

#### **I. Rank Insignia**

In order to facilitate the recognition of supervisory rank amongst members of the department, employees shall utilize rank insignia on their various uniforms.

For the ranks of lieutenant and above, rank insignia will be worn on the shirt collar, aligned with the front/leading edge. On jackets and coats, lieutenants and above will wear appropriate rank insignia on the outer edges of the shoulder epaulets.

Fig. 11 – Rank Insignia Placement (Lt. and Above)



Sergeants and Field Training Officers shall wear their rank on the sleeves of their shirts and jackets, one-half inch below the Department Patch.

Fig. 12 – Rank Insignia Placement (Sgt. and FTO)

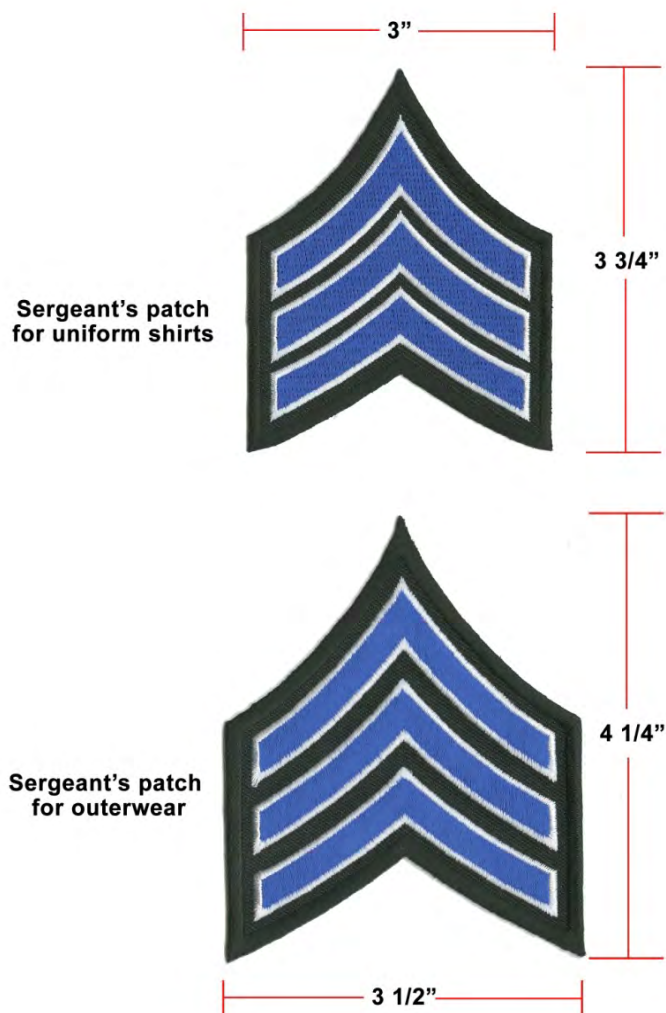


*Fig. 13 – Rank Insignia Utilized by MNPD Sworn Personnel*



the rank of sergeant are available in two sizes: a smaller patch appropriate for uniform shirts (Class A uniform, Class B uniform, etc.), and a larger patch suitable for outerwear (all-weather jacket, etc.).

Fig. 14 – Sergeant Insignia



#### **J. Pins, Emblems, and Ribbons**

1. Except for those issued or authorized by the department, pins, emblems, or ribbons of any type will not be worn on a departmental uniform at any time. Wearing of authorized pins, emblems, or ribbons is optional. If worn, they will be worn as prescribed in these or other applicable provisions.
2. The following pins, emblems, and ribbons are authorized and may be worn as prescribed:

**a. American Flag Pin**

May be worn on the left pocket flap centered directly beneath the badge. The pin must not be more than one (1) inch in height or width.

**b. Aviation, Mounted Unit, Canine, Motorcycle Officer, Honor Guard & Hazardous Devices Unit Pins**

Such pins are authorized for wear by those sworn members who are currently assigned to that unit and hold current certification, may wear such pins on the Class A or B uniform. The pin shall consist of an approved design, as described in the unit, section or division Standard Operating Procedure Manual, and be of the appropriate color for the officer's rank. It shall be worn centered above the nameplate assembly and any departmental award ribbons.

**c. Departmental Award Pins Ribbons**

May be worn centered directly above the nameplate and service emblem assembly.

Departmental award ribbons shall be worn in the following manner:

- i. Ribbons will be displayed in descending order with the highest award ribbon displayed above any other ribbon displayed. (*Fig. 15*)
- ii. Only one (1) award ribbon of any type shall be displayed, regardless of the number of separate ribbons the employee may have received for the same award.

A single silver metallic star shall be affixed to the center of any ribbon for which the employee has received two (2) or more separate award ribbons of the same type.



*Fig. 15 – Award Ribbons*



**d. Medal of Valor**

The Metropolitan Nashville Police Department's highest honor shall be presented posthumously to an employee of the department who gave his/her life in the line of duty, while demonstrating personal bravery, strength of mind, or spirit, enabling him/ her to encounter apparent danger with firmness and courage.

*Fig 15a – Medal of Valor*



**e. D.A.R.E. and G.R.E.A.T. Pins**

May be worn by D.A.R.E. and G.R.E.A.T. certified instructors. Instructors certified to teach both programs may wear both pins simultaneously. Pins are to be worn on the pocket flap below the nameplate and service assembly, centered above the button. When both pins are worn simultaneously, the positioning should be side-by-side, with no less than a ¼ inch

separation, and centered on the pocket flap with the D.A.R.E. pin to the outside (toward the right arm) of the G.R.E.A.T. pin.

**f. Drug Recognition Expert (D.R.E.) Pin**

May be worn centered directly above, and in contact with, the nameplate and service emblem assembly and, if worn, the Marksmanship Badge, if qualified by established training standards.

**g. Law Enforcement Accreditation Pin**

The wearing of the Law Enforcement Accreditation pin shall be optional for both sworn and civilian employees. Uniformed employees who wish to wear the pin shall wear it centered above their nameplate. Employees wearing service awards shall center the pin above the awards. (*Fig. 8*)

**h. Marksmanship Pin**

May be worn centered directly above the nameplate and service emblem assembly, if qualified by the department's established firearms training standards.

**i. Metropolitan Government Service Pin**

May be worn centered directly below the nameplate & service pin assembly on the pocket flap centered over the button.

**j. Deceased Employee Mourning Pin**

- i. This pin may be worn by civilian employees during any period of departmental mourning when sworn members are authorized to wear a black mourning band upon their badge.
- ii. This pin may be worn by sworn or civilian uniformed employees who are authorized to wear a daily uniform which consists of a cloth badge patch, during any period of departmental mourning when sworn members are authorized to wear a black mourning band upon their badge
- iii. The Chief of Police may authorize extended wear of this pin, by any employee, for up to 365 calendar days to honor the memory of an active duty employee who lost their life in the service of the department. Uniformed employees wearing such pin shall wear the pin on the left pocket flap centered directly beneath the badge.



**k. Chaplain Pin**

The Chaplain Pin may be worn by a sworn member who is currently assigned as a departmental chaplain. The pin shall be centered directly above the nameplate and service emblem assembly or worn on the collar of the General Duty Uniform.



**l. Peer Supporter Pin**

The Peer Supporter Pin may be worn by authorized MNPd employees that have successfully completed the Peer Support Training Program and have been approved to appointment by the Chief of Police. The pin shall be worn on the right uniform pocket flap directly under the employee's name plate.

**m. Other Law Enforcement Pins**

Other pins, recognizing achievement in departmentally sanctioned events or training, may be worn on the right pocket flap centered directly beneath the nameplate and service assembly. The pin may be worn on the Class A or B uniform by the employee who successfully achieved the established standards for the agency or authority who issued the pin (examples include, but may not be limited to, FBI Academy, PERF SMIP, Northwestern University Staff and Command School, certification pins for specialized fields such as firearms instructor, crash reconstructionist, etc.). The division commander of the employee shall have the authority to review and determine whether the wear of a pin under this provision is appropriate.

**n. Service Chevron**

Employee service is recognized at five (5) year intervals. All employees of the department shall be authorized to wear one (1) service chevron for each five (5) years of service.

- i. The service chevron shall be defined as a stripe or piece of braid, approximately two (2) inches in length by 1/8 inch in width, as worn on the sleeve to indicate length of service.
- ii. The chevron will be sewn to the left sleeve two and three fourths inches (2 <sup>3</sup>/<sub>4</sub>" ) above the top edge of the cuff.
- iii. Employees may count service at other law enforcement agencies provided that the service was in a sworn, P.O.S.T. (Police Officer's Standards of Training) certified (or equivalent) position and employee's P.O.S.T. certification (or equivalent) has not lapsed during that time or between law enforcement agencies.

*Fig. 16 – Service Chevron Placement*



**o. S.W.A.T. Pin**

Active S.W.A.T. members, who successfully completed basic and advanced training programs, are authorized to wear a standard sized metal "S.W.A.T." pin on their class A or B uniforms, centered on the flap of the left breast pocket.

Former S.W.A.T. members, who successfully completed basic and advanced training programs, and who left the assignment in good standing are authorized to wear, a small sized metal "S.W.A.T." pin on their class A or B uniforms centered on the flap of the left breast pocket.

- p. Personal items, such as pins, pendants and other such adornments, or any other item not otherwise authorized by this directive, may not be worn or displayed by an employee wearing the uniform.

#### **8.20.090 Equipment**

Upon issuance of any equipment to an employee, the department shall maintain a record and be responsible for the repair, replacement, and return of the items.

Equipment items which are considered component parts of the uniform shall be worn or carried at all times by employees while actually engaged in the performance of official duties. Officers shall refer to current training and policy regarding the appropriate placement and manner of carry of equipment items as part of the uniform. Such items include:

##### **A. Firearms and Ammunition**

Officers shall carry only firearms and ammunition authorized by current departmental policy governing firearms policy and procedure.

Employees shall be responsible for the storage and safekeeping of any departmentally owned or issued firearm(s) in accordance with current policy and procedure.

##### **B. Handcuffs**

1. An officer shall carry and use only the handcuffs issued or authorized by the department. They are a component part of the uniform.
2. An officer shall carry and use handcuffs only while acting in their law enforcement duty.
  - a. When in uniform, handcuffs will be carried in a case approved as a component part of the utility belt assembly.
  - b. When not in uniform, handcuffs shall be carried by means of an approved carrying case or strap, or simply tucked inside the belt of the employee's trousers, concealed from view of the general public.

3. In either instance, the officer shall also carry, or have readily available, at all times, the key to their issued handcuffs or any alternative they may be authorize to carry and use.

**C. Baton**

1. In its continuing effort to minimize injuries to all concerned in overcoming active aggression, the department shall issue each officer a baton to be carried while in the performance of their duties. An officer will carry and use the baton only while acting in their law enforcement duties. No baton shall be carried, unless it was issued or approved by the Training Academy and so documented in an approved lesson plan.
2. An officer will cause the baton to be carried in a safe and secure manner so as to avoid use by any unauthorized person. While in uniform, it will be carried by means of the carrying strap with a ring approved for the utility belt assembly. It must be kept readily available so that it may be carried on short notice.

**D. Utility Belt Assembly**

1. The utility belt assembly is comprised of the belt and associated duty gear including the holster for the firearm, ammunition case, handcuff case, and various other items approved by the Chief of Police.
  - a. Duty gear with either finish may be purchased with the allotted clothing allowance.
  - b. The leather duty belts with the "plain black" (flat finish) and the "high gloss" or "Clarino" finishes are approved for wear with the Class A or Class B uniforms. At no time shall officers wear a combination of the two finishes. The entire duty belt must be of one finish, except as currently authorized by necessity.
  - c. Ballistic nylon duty belts may be worn by sworn officers who are attired in and authorized to wear the Utility Uniform.
  - d. An approved lumbar belt support system may be used in conjunction with the utility belt assembly.
2. When in uniform, officers shall wear the utility belt assembly as a component part of the uniform, unless performance of official duties is occurring inside "secured areas" (e.g., Metropolitan Criminal Justice Center, Communications Center, etc.) out of view of the general public. In such instances, the utility belt assembly, including the firearm and other equipment items may be removed and stored in a location which affords adequate safety and security

measures. Officers may choose to secure their firearm via carry on their person, if in an appropriate holster on a standard leather belt, while they remain in the secured area. Upon leaving such "secured areas", if only for a brief time period, the utility belt assembly will be worn.

3. Employees authorized to wear the Special Duty Uniform may be exempted from the general provisions regarding duty belts, provided that, provision is made within their unit, section, or division Standard Operating Procedures Manual to ensure that uniformed and/or identifiable sworn employees are appropriately armed and equipped to perform the duties of their assignment and as a law enforcement officer.
4. Captains, Commanders, Deputy Chiefs and the Chief of Police are authorized to wear the following items with their Class A or B uniforms:
  - a. A black belt with a gold colored buckle worn through the loops of pants;
  - b. An appropriate holster and their duty firearm; and
  - c. Such other items or equipment as may be appropriate.

#### **E. Portable Radio and Earpiece**

All officers will be issued a two-way radio, with the frequencies necessary to perform their duties, as a component part of the uniform. Any unauthorized use or alteration shall be considered grounds for corrective or disciplinary action.

1. Officers while in uniform shall have the Motorola earpiece on their person and ready for quick deployment. Officers should be wearing the earpiece while working incidents such as special events (New Year's Eve, the Fourth of July Celebration, CMA's, etc.), responding to incidents involving active killers, or when an officer is going to clear a location to deem it safe.
2. It is preferred the earpiece be utilized throughout the shift, as they provide a great tactical advantage to the officer. If an officer chooses not to wear the earpiece during their shift, the earpiece should be easily accessible and deployed in situations involving active killer responses and when searching for known or unknown threats.

**F. Taser®**

1. The TASER® is made available only to officers specifically trained in its use and authorized to carry it.
2. When carrying the TASER®, an officer shall cause it to be carried in a safe and secure manner at all times.
3. Refer to the Use of Force policy for Taser specific provisions.

**G. Reflective Traffic Vests**

1. The department provides a high visibility reflective vest to its officers. The vest shall be of the style, color, and specification to meet the current departmentally recognized safety standards as adopted by the department or otherwise required by law. The vest shall bear the words "POLICE" and/or "METRO POLICE" in permanent black lettering so as to be clearly visible from the front and back when in use.
2. The vest shall be worn with the full prescribed uniform when conditions make it practical to wear such equipment prior to initiating manual traffic direction and control.
3. The use of high-visibility clothing while engaged in the manual direction of traffic enhances officer safety as well as driver recognition and response. It shall be the policy of the Metropolitan Nashville Police Department that the reflective traffic vest shall be worn by officers engaged in the manual direction of traffic at fire and accident scenes as well as any other event that requires manual traffic direction and control.

**H. Specialized Equipment**

1. The department shall issue or authorize an appropriate level of equipment (helmet, protective masks or clothing, personal protective equipment, etc.) for every sworn officer for wear when worn subject to unit, section or division requirements, at the direction of a supervisor or when deemed necessary for personal protection under circumstances that pose a substantial risk of serious bodily harm (e.g., civil disturbances, riots, or some other large scale disorder, biological hazards, etc.).
2. An officer assigned a departmental vehicle will secure such equipment in the trunk of their vehicle or other approved manner. If no vehicle is available, it shall be secured at a location approved by the employee's supervisor.



3. All such equipment shall be maintained in a state of readiness and worn in a manner consistent with training or best practices.

**I. Whistle**

1. An employee shall carry and use only the whistle approved to aid in the performance of official duties, particularly when directing traffic or safeguarding an accident scene.
  - a. **When stopping traffic**, an employee will extend their arm and an open hand in the direction of the oncoming traffic, and at the same time render **one long blast with the whistle**.
  - b. **When starting traffic**, an employee will extend their arm and an open hand in the direction of the stopped traffic and give a clearly visible motion with their arm in the direction they wish the traffic to proceed, and at the same time render **two short blasts with the whistle**.

**J. Body Armor**

It is the policy of this law enforcement agency to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1. The department will:
  - a. Provide to all sworn personnel and armed property guards, a Level II or higher body armor for their safety and protection.
  - b. Require the use of department issued body armor in field activities and pre-planned situations that may pose a high-risk to sworn personnel.
  - c. Field Activities: Duty assignments and/or tasks that place or could reasonably be expected to place officers in situations where they would be required to act in enforcement rather than administrative or support capacities.
2. Procedures
  - a. Employees shall wear only agency-approved body armor.
  - b. Use of Body Armor

- (1) When attired in a departmental uniform, on or off-duty, employees are required to wear body armor while engaged in field activities (defined herein), except as follows:
  - (a) When an agency-approved physician determines that an employee has a medical condition that would preclude wearing body armor. Such employees may be precluded from certain assignments and details. The written documentation will be maintained in the employee's medical file.
  - (b) When the officer is involved in undercover or plain clothes work that his/her supervisor determines could be compromised by wearing body armor;
  - (c) When the duty assignment is designated as primarily administrative or support; or
  - (d) When the department determines that circumstances make it inappropriate to mandate the wearing of body armor.
  - (e) Sworn personnel not wearing body armor will ensure the body armor is kept in close proximity so it may be put on if their assignment or activity changes.
- (2) Body armor shall be worn by recruit officers during both classroom and field training.
- c. Sworn personnel (and armed property guards) will, subject to supervisory observation and periodic documented inspections:
  - (1) Ensure that body armor is worn and maintained as required by this policy, or if not assigned to an activity requiring body armor to be worn, have it immediately available in the event they must be called on for an activity requiring body armor to be worn.
  - (2) Shall routinely inspect personal body armor for signs of damage and for general cleanliness. As dirt and perspiration may erode ballistic panels, each officer shall be responsible for cleaning personal body armor in accordance with the manufacturer's instructions.
  - (3) Personnel are responsible for the proper storage, maintenance and care of body armor. Personnel shall, without undue delay, report any damage or excessive wear to the ballistic panels or cover, or issues with fitting to their

supervisor. Adjustments or replacements shall be made as soon as reasonably possible.

d. Pre-planned High-risk Police Activities

Sworn personnel shall wear body armor when engaged in pre-planned high-risk police activities, which include all:

- (1) Raids;
- (2) Pre-planned arrest situations, with or without a warrant, and applicable search warrant executions;
- (3) Pre-planned searches for wanted persons;
- (4) Hostage/barricaded subject situations;
- (5) Crowd control situations;
- (6) Dignitary security;
- (7) Prison riots; or
- (8) Stakeouts or Surveillance dealing with individuals who have a history of violence or the propensity for violence.

e. Replacement of Body Armor

- (1) Body armor will be replaced, at a maximum, every seven years.
- (2) During required line inspections, supervisors will inspect subordinates' body armor for maintenance, wear and proper fit.
- (3) When body armor requires replacement, the officer will submit a memorandum through the chain of command to the Training Division Confrontation Management Section requesting to be refitted.

f. Disposal of Body Armor

- (1) When body armor requires replacement, the officer will hand in their old body armor before receiving the replacement armor. The armor will be turned over to the Training Division Confrontation Management Section.
- (2) The Confrontation Management Section will be responsible for disposal of the returned body armor consistent with legal requirements. The Confrontation Management Section will

be responsible for maintaining documentation for each article of armor.

**K. Rainwear**

The department will issue or approve a raincoat, trousers, cap cover, and footwear or similar items that can be worn with the uniform during inclement weather. The items shall be worn in a manner consistent with training, manufacturer recommendations, and/or best practices.

**8.20.100 Non-Uniform Apparel**

- A. When it is determined that an individual assignment is likely to be performed more effectively by allowing employees to wear apparel other than prescribed departmental uniforms, "approved" non-uniform apparel may be worn. The rank of captain and above may wear approved non-uniform apparel while performing their assigned duties. All other employees must have prior approval from their division commander before wearing non-uniform apparel during their scheduled work hours. When required to attend other official proceedings, court, grand jury, etc., approved non-uniform apparel or the uniform will be worn unless otherwise directed.
- B. When wearing non-uniform apparel, sworn employees acting in their capacity as a law enforcement officer shall wear a coat or jacket which adequately conceals from view any firearm, handcuffs and related equipment, so as to avoid undue alarm or concern by anyone, afford maximum security for such equipment, and thereby minimize safety hazards while in the presence of others. When at the office, duty station, inside vehicles, or otherwise not in view of the general public, employees may remove the coat or jacket.
- C. The standards to be observed by **all** employees regarding non-uniform apparel and related matters shall be comparable to those currently observed in the "conventional" business community, but with these added requirements:
  - 1. Apparel shall not be of a style, design, material, color, or any combination thereof that it is in striking contrast with others;
  - 2. Apparel shall not be altered from its original form, by extravagant styling to the extent that it is tattered, appears unkempt, or otherwise provokes controversy; and
  - 3. Apparel must be clean, well tailored and form-fitting, so as to project a quality appearance at all times.
- D. With regard to the items, or any combination which comprise authorized non-uniform apparel:

1. **Business suits** or **casual sportswear** shall be worn by all employees, with a coat or jacket worn at all times while knowingly in view of the general public;
  2. **Neckties** will be properly tied and positioned;
  3. **Shirts** or **blouses** of a dress or sport design may be worn with an open collar with the top button unfastened when a necktie is not required by the division commander. Shirts or blouses, without collars and/or sleeves (e.g., tank tops, T-shirts, etc.) are not authorized unless covered by another garment that is considered a component part of the outfit;
  4. **Sweaters** of varying designs (e.g., V-neck, turtleneck, button type, etc.) may be worn for comfort or to complement casual sportswear;
  5. **Trousers** or **slacks** must be worn at a length comparable to that specified for uniform trousers and slacks. They may be "flared", up to a maximum of two inches, as determined by straight flow of the pants leg. Cuffs, of current tailored style, are optional;
  6. **Dresses and skirts** shall be no shorter than one (1) inch above the knee and no longer than ankle length when standing in an up-right position;
  7. **Footwear** must be made of leather or suede. Buckles, straps, zippers, and other ornamental appointments must not exceed two inches in overall size. Heels must not exceed two and 1/2 inches in height. Open style, multi-strapped footwear, such as sandals or any athletic type footwear, are not authorized;
  8. **Socks** must be coordinated with the apparel worn. Nylon type hosiery of a coordinated color will be worn and properly positioned as intended by design and purpose; and
  9. **Belts** must be coordinated with apparel worn. The width must not exceed two inches. Buckles must not exceed two inches in overall size. When worn, they must be properly fastened and positioned, as intended by design and purpose.
- E. Various accessory items are authorized for an employee's convenience and comfort, provided the following provisions are observed:
1. **Hats** or **caps** must be of a conventional dress or sports styling;
  2. **Handbags** or **purses** must be made of leather or material which coordinates with apparel being worn; and

3. **Topcoats** and **raincoats** must be of conventional dress or sports styling.

**F. Supervisory Discretion**

A division commander shall have the authority to require certain employees under their command to adhere to a stricter or more lenient dress code than other employees.

**G. Health Exceptions**

Exceptions to the dress code will be allowed when the health of the employee is involved (i.e., slippers may be worn for foot injuries; leg casts may necessitate one pant leg to be cut off, etc.). Dress code exceptions for health reasons must be precipitated by a physician's explanation.

**8.20.110 Personal Appearance**

When at work, all employees will present a positive and professional appearance consistent with generally accepted professional business standards and representative of the Metropolitan Nashville Police Department. Dress and appearance shall not be a distraction to others in the workplace, and shall be within acceptable standards of health, safety, and public contact. The Chief of Police, or designee, exclusively reserves the right to determine acceptable standards of appearance for Police Department employees. Departmental regulations governing authorized clothing and equipment are listed in specific established policies and procedures.

**A. Cleanliness / Hygiene**

1. When reporting for duty or acting in an official capacity, an employee shall present himself/herself in a professional manner. Employees and their attire shall be free of any dirt, impurities, or extraneous matter so as not to be offensive to others.
2. Employees shall not wear perfume or cologne to an extent that is offensive or distracting, and must be mindful of others who may have health concerns, such as allergies and/or low tolerances, when exposed to perfume or cologne in excessive amounts.
3. Employees shall maintain personal hygiene so as not to affect the health and safety of others or cause any disruption or distraction in the workplace.
4. Supervisors shall have broad discretion as to what is excessive or what is a disruption and/or distraction in the workplace.

**B. Grooming**

1. When reporting for duty or acting in an official capacity, employees shall present themselves in a well-groomed manner. Attire shall be properly cleaned, pressed, and in good repair.
2. Employees shall keep their footwear properly cleaned, polished, and in good repair. Sworn employees shall maintain their leather equipment in like condition
3. Sworn employees shall keep their issued metal items such as badge, cap emblem, nameplate assembly, belt buckle, and etc. properly cleaned, polished, and in good repair.

**C. Posture**

Except as necessary in the performance of their official duties, employees shall assume a straight and upright posture whether standing, walking, or sitting.

**D. Physical Condition**

Employees shall strive to maintain the best possible physical condition by giving proper attention to the development and care of their bodies. They shall adhere to proper diet and exercise programs necessary to ensure that their weight is maintained in proportion with their height. As it relates to any disciplinary action that may be indicated by this requirement, only employees having impaired physical conditions, which are verified in writing by a physician, will be exempt from these provisions.

**E. Hair**

1. Hair styles shall not interfere with the proper wearing of department headgear.
2. Uniformed male employees' hair must be worn in such a manner so that it does not touch the eyebrows, ears, or collar of any garment being worn. Sideburns must be straight and not extend below the bottom lobe of the ears. Flared styles such as "lamb chop" or "mutton chop" are not permissible.
3. Uniformed female employees shall wear their hair in a style that prevents any hair from extending below the bottom edge of the collar of any garment being worn.
4. Ornamental hair accessories are prohibited for sworn employees but may be worn by non-sworn employees.

5. Hair coloring must appear natural. Bizarre or extreme hairstyles are prohibited.
6. Employees may wear false or cosmetic hairpieces as long as they do not conflict with the aforementioned provisions.
7. Employees shall not wear a prescribed departmental uniform while wearing a non-regulation hair style.

**F. Facial Hair**

1. Beards for non-sworn employees are authorized with a maximum hair length of ½ inch.
2. A neatly trimmed mustache is authorized. It shall not extend over the upper lip or below or beyond the corners of the mouth. Handlebar and such other flared styles are not permissible. False types are prohibited.
3. Any other facial hair is expressly prohibited for sworn employees.

**G. Fingernails**

1. When reporting for duty or acting in an official capacity, employees shall keep fingernails clean and neatly trimmed so as not to interfere with performance of duty, distract from the professional image, or present a safety hazard. Males will keep nails trimmed so as not to extend beyond the fingertip. Females will not exceed a nail length of ¼ inch, as measured from the tip of the finger.
2. Sworn uniformed employees shall wear only clear nail polish. Artificial nails or artificial nail products, e.g., tips, jewelry, overlays, wraps, etc., may not be worn by sworn employees.

**H. Jewelry**

Employees shall be permitted to wear watches, rings, bracelets, earrings, and necklaces with the following restrictions:

1. Only one ring per hand shall be authorized. A wedding ring/engagement ring combination shall count as one ring.
2. Necklaces or bracelets are prohibited for uniformed employees except for Medic-Alert necklaces and bracelets.
3. Facial jewelry is prohibited for all employees with the exception of authorized earrings.



**4. Earrings/Body-Piercings**

- a. Earrings are expressly prohibited for sworn employees while in uniform, with the following exceptions:
  - i. Sworn female employees may wear single stud earrings, gold or silver in color, or a single stone having a diameter of not more than ¼ inch; and
  - ii. They must be worn in matching sets in the right and left earlobe, with a maximum of one per ear.
- b. Earrings are authorized for non-uniformed female employees as long as they are no more than 1 ½ inches in length, circumference, or size, and do not pose a safety hazard. They must be worn in matching sets in the right and left earlobe with a maximum of one per ear.
- c. Exposed body-piercings or body-piercings that may be visible, other than authorized earrings, are expressly prohibited for all employees.

**I. Body Art and Physical Alterations**

All employees shall adhere to generally accepted business standards for appearance with respect to body art and physical alterations.

- 1. Tattoos of an offensive nature are prohibited. Tattoos and brands visible on the body that are obscene and/or advocate sexual, racial, ethnic, or religious discrimination are prohibited.
- 2. Employees are prohibited from displaying excessive tattoos or body paintings that would detract from an appropriate professional appearance.
- 3. Visible physical alterations of the body that are not consistent with generally acceptable business standards of appearance are prohibited (i.e., tongue splitting).
- 4. These provisions would not preclude employees from undergoing required medical procedures to ensure the health of the employee.

**J. Exceptions**

A Division Commander may exempt personnel assigned to special enforcement activities which require an inconspicuous appearance, from the provisions of items A, B, E, F and H of this section.

#### **8.20.120 Court Appearance and/or Administrative Hearings**

- A. Personnel shall exhibit a manner of dress and personal appearance that is consistent with current departmental policy and procedure governing court appearances.
- B. The commander of the Court Appearance Section has the discretion to determine if the attending personnel's appearance is in compliance with departmental policy and also has the authority to take appropriate disciplinary action, if necessary.

#### **8.20.130 Authorization for Commemorative Badges or other Insignia**

- A. To commemorate the distinguished service of the men and women of the MNPd, a significant event or celebration, the Chief of Police may approve a commemorative badge and/or other insignia.
- B. Such commemorative badge shall be an authorized alternate to the regular department issued badge. A member who does not obtain a commemorative badge will continue to wear and/or use the standard department issue badge.
- C. Badges will bear the members current title and current badge number.
- D. Wearing and/or use of the commemorative badge shall be limited to the period which may be proscribed in a formal announcement. It shall only be worn or used consistent with established policy regarding departmental badges.
- E. **Authorized Persons**
  - 1. Currently employed sworn members may order, receive or wear a commemorative badge.

**NOTE:** Those members who will graduate from the Metro Police Training Academy during the commemorative period shall also be eligible to order, receive, and wear a commemorative badge. Such badges shall be presented to the member at the graduation ceremony or thereafter.

- 2. Members are authorized to purchase one (1) breast badge.
- 3. Badges will be issued via Metro Police Supply. Employees receiving a commemorative badge shall sign for receipt of the badge.

4. Further issuance of or authorization to purchase commemorative badges shall only be with approval of the Chief of Police, or authorized designee.

**F. Commemorative Badge Retirement and Retention**

1. The commemorative badge shall be considered the property of the Metropolitan Police Department.
2. Upon the expiration of the time period for wear of the commemorative badge design, it shall be permanently retired from service and, consistent with the provisions herein, will become the property of the member to which it was officially issued.
3. A commemorative badge, issued to a member who retires or otherwise separates from service in good standing during the commemorative period, will also retain the commemorative badge as their property.

**NOTE:** The MNPd does not authorize any member who separates from the department in any manner to carry or otherwise display the commemorative badge in an official capacity as a law enforcement officer.

4. Members who otherwise separate from service not in good standing or have surrendered such badge, consistent with established policy, shall not retain the commemorative badge except by approval of the Chief of Police, or authorized designee.
5. Insignia, similar in design to a badge or other device may be similarly authorized or issued to non-sworn members to be worn or used in a manner consistent with a commemorative badge.

## **Title 9: Police Facilities and Security**

### **9.10 Building Security Assignments at Police Headquarters**

The purpose of this order is to communicate building security assignments at police headquarters in the event that such security is required due to a natural or man-made disaster, civil disturbance, or other unusual occurrence.

#### **9.10.010 Elements Assigned**

The Deputy Chief of the Administrative Services Bureau will be in charge of all aspects of such building security, including: pre-planning, delegation of tasks, scheduling, and command and control of any actual incident.

The organizational elements assigned to building security will immediately come under the control of the Deputy Chief of the Administrative Services Bureau should building security considerations warrant, **regardless of the departmental organizational structure**. Such elements include, but are not limited to:

- A. Human Resources Division
- B. Special Events Coordinator
- C. Strategic Development Division
- D. Warrant Section

All personnel, both sworn and civilian, will be figured into the pre-planning activities. The only personnel who will not be considered will be members of the Special Weapons and Tactics and Hostage Negotiation Teams. SWAT and HNT would most probably be activated in a situation which would require headquarters building security.

#### **9.10.020 Incident Logistics**

- A. The incident of providing building security will be designated "Headquarters Command."
- B. The incident command post will be located in the Strategic Development Division conference room.

- C. Tactical radio frequencies in the "A" Zone will be used for communications between the incident posts and "Headquarters Command."

#### **9.10.030 Additional Resources**

Should "Headquarters Command" need additional resources, they will be acquired by requesting that riot squads, strike teams, or task forces be assigned via the Emergency Operations Center. **The security of police headquarters and other critical facilities will be the first priority addressed when assigning resources to tactical missions.**

## **Title 10: Department Oversight**

### **10.10 Internal Audit**

The role of the audit function is to provide the Chief of Police an independent appraisal and opinion on the efficiency, effectiveness, and compliance of departmental operations. It entails evaluating internal controls for safeguarding assets, checking the accuracy and reliability of accounting data, promoting operational efficiency, reviewing managerial effectiveness, and testing compliance with MNPDP, City, State and Federal regulations and procedures.

#### **10.10.010 Policy**

The establishment of procedures for auditing areas within the MNPDP is critical in providing a check and balance for departmental and employee integrity. The audit section shall fairly and impartially administer its audits. A report detailing items found in the audit shall be provided to the Chief of Police.

#### **10.10.020 Definitions**

- A. **Annual Risk Assessment:** A review done each fiscal year by all captains / commanders to identify potential problems and risks within their area of responsibility.
- B. **Audit Commander:** A position appointed by the Chief of Police having the rank of Captain or above (or its equivalent) to oversee and direct the functions of the internal audit process.
- C. **Internal Audit:** A review of a specific area within the police departmental to determine if its activities are consistent with defined policies or other rules.
- D. **Exit Conference:** A discussion with the bureau, division or precinct commander about the findings from an audit.

#### **10.10.030 Annual Risk Assessment**

- A. To assist in identifying potential issues, a risk assessment will be conducted annually. Risk assessments are designed to assist in identifying high-risk areas for potential fraud, theft, or liability within the agency, including areas of noncompliance with departmental policies or regulations, state laws, administrative codes, and CALEA

Standards. It may include the use of written evaluative tools, evaluation/inspection reports, interviews, and on-sight observations.

- B. Each Division Commander shall conduct an annual self-assessment. The annual assessment shall be reported on MNPD Form 210B, Departmental Audit Risk Assessment Form. After analyzing this information, a report showing risk assessments by area of responsibility will be submitted to the Chief of Police for informational purposes. The report will also be used to determine future internal audit areas.

#### **10.10.040 Internal Audit Committee**

The purpose of the committee shall be to review both the annual risk assessment report making consultative recommendations as appropriate. The committee will meet as necessary to support the auditing process.

#### **10.10.050 Annual Plan**

- A. The Audit Commander shall submit an audit plan to the Chief of Police, based upon the following:
  - 1. Annual unannounced change fund, petty cash, and checking account review requirements.
  - 2. Precinct/Division Commander requests.
  - 3. Executive Staff requests.
  - 4. Internal Audit Committee recommendations.
  - 5. Chief of Police requests.
  - 6. Other areas as needed.
- B. The plan shall include the bureaus, divisions/precincts, offices and agency activities scheduled for an audit during the coming year. It may be amended as necessary to adjust for extended audits or special assignments that may be requested by the Chief of Police.

#### **10.10.060 Audit Procedures**

- A. Scheduled Audit

Scheduled audits are those identified through the annual audit planning process. Typically, commanders are notified of an approaching audit two months prior to the preliminary interview.

**B. Unannounced Audits**

Different policies require that certain audits occur on an unannounced basis. These will take place at unscheduled times throughout the year.

**C. Directed Audit**

The Chief of Police may request special audits or investigations not included in the annual audit plan. When this occurs, the special audit is incorporated as an amendment into the annual audit plan.

**D. Follow up Audit**

Follow-up audits occur as the result of a preceding audit. They may occur ninety (90) days following the Exit Conference. The follow-up audit period lasts one (1) year and occurs at the sole discretion and timing of the Audit Commander. A follow-up audit report is submitted to the Chief of Police upon the conclusion of the follow-up audit.

**10.10.070 Virtual Audit Teams**

- A. Agency personnel assisting the Audit Commander with fieldwork shall be known as "Virtual Auditors." Large audits may require organizing a "Virtual Audit Team" comprised of six to eight mid-level managers temporarily assigned to the Audit Commander. These members will consist of both sworn & civilian employees. Virtual audit team members shall typically remain on this temporary assignment for a five (5) to seven (7) day period, depending upon the requirements of the audit. The size of a virtual audit team shall be determined by the scope of the respective audit.
- B. Government Audits Guidance and Standards (GAGAS) and Institute of Internal Auditors (IIA) standards require independence and objectivity throughout the audit process. Therefore, personnel shall not perform audits within their own divisions or precincts. Additionally, persons shall be discouraged from participating in an audit of an activity for which they were directly responsible or where they have worked during the preceding two (2) years.
- C. In making temporary staff assignments, the Audit Commander shall consider the following:
  - 1. Scope of the audit.
  - 2. Complexity of the audit.
  - 3. Expertise of available staff.
  - 4. Staff training needs.



5. Potential obstacles to independence/objectivity.

**D. Contract Auditors, Consultants, and Experts:**

In some instances, audit staff may not have the expertise and qualifications needed to conduct all aspects of a particular audit. With the approval of the Chief of Police, the Audit Commander may obtain the services of outside accountants, management consultants, or other professional experts necessary to perform assigned duties. An audit that is performed by contract must be conducted by persons who have no financial interests in the affairs of the agency or its personnel. The Audit Commander shall follow established agency contracting procedures in obtaining these services.

**10.10.080 Question Pools for Audits**

- A. There is no set question pool utilized by the audit team. Each audit is unique; therefore, a specific set of questions is developed for each occasion.
- B. There is an attempt to associate each initial audit question with a law, regulation, code, standard, guide, procedure, or rule. Sources consulted for these questions include:
  - 1. MNPDP Policies and Procedures
  - 2. Local, State or Federal Requirements
  - 3. CALEA standards
  - 4. Occupational Safety and Health Administration (OSHA)
  - 5. Other appropriate areas
- C. Audit questions are intended to address areas of high risk, liability and/or special importance to the agency. An additional set of questions is developed and posed to outside stakeholders, as well as to a random sampling of employees working within the bureaus/districts/divisions undergoing the audit.

**10.10.090 Access to Records and Property**

**A. Access Authorization**

The Audit Commander is authorized by the Chief of Police to have full, unrestricted, and immediate access to all agency functions, records, property, equipment, and personnel, except in areas specifically exempted by statute, regulation, or other directive.

**B. Information Requests**

Employees shall make available all information and records within their custody regarding powers, duties, activities, organization, property, financial transactions and methods of business that are requested in the performance of their duties. In addition, employees shall provide immediate access to inspect all property, equipment and facilities within their custody.

**10.10.100 Audit Process**

**A. Scheduling**

The Audit Commander shall contact the bureau, division, or precinct commander(s) and schedule a time to conduct the preliminary interview, entrance conference, audit fieldwork, and exit conference. When scheduling the audit, the commander(s) shall assign a person from each section or unit within the bureau, division, or precinct to act as liaisons to the virtual audit team members. This person shall be familiar with the section or unit and have access to necessary facilities, documents, and calendars.

**B. Expectations for Virtual Team Members**

Prior to any audit, persons selected as virtual audit team members shall:

1. Become familiar with the audit documents, guidelines, and process.
2. Read each question and determine what information, actions or controls may be needed to establish, and later verify, compliance.
3. Review MNPDP Policies & Regulations and other source documents.
4. Review strategic plans and policies, and any other information that would help them become more familiar with the division, precinct, section or unit.
5. Review prior audits, if applicable.
6. Immediately after training, set appointments with respective personnel to be interviewed during the audit.

**C. Fieldwork**

The virtual audit team members shall use the prepared Question Pool when conducting an audit. These questions cover the minimal areas to be addressed for the specific audit being conducted. The virtual audit team members may make relevant inquiries based upon their own curiosity, intuition, or investigative training. However, these questions, and their resultant responses, must be recorded as an attachment to

the virtual audit team member's report to the Audit Commander. In addition, virtual audit team members shall:

1. Verify all responses by examining documentation, touring facilities, inspecting vehicles, etc. They shall make written notes describing how compliance was confirmed. Simply asking a question and recording an answer is not an acceptable audit procedure.
2. If non-compliance is determined, virtual audit team members shall make the appropriate written notations. These notations shall indicate why non-compliance is determined by providing specific and verifiable facts. A copy of the non-compliant document(s), with notations about the non-compliance, is required. If no copy is possible (e.g., visual vehicle inspection), they shall make the notation of non-compliance and identify the vehicle, date inspected, witnesses to audit, etc. Additionally, they shall indicate how compliance can be met and how it may need to be verified.
3. When non-compliance is discovered, the virtual audit team members shall take specific and detailed notes. An independent third party must be able to retrace the steps taken by the virtual audit team and arrive at the same conclusions through the use of those notes.
4. During the course of an audit, the virtual audit team members may discover exemplary performance or practice. Upon these occasions, they shall make a special note of this information in their report to the Audit Commander. Supervisors shall also be asked to identify areas of outstanding performance.

**D. Exit Conference**

The Audit Commander shall present all findings to the bureau/division/precinct commander at an Exit Conference. The commander's written responses to the findings should be presented thirty (30) days following the Exit Conference.

**E. Final Report**

A final report typically should be provided to the Chief of Police within sixty (60) days following the Exit Conference.

**F. Follow-up Audits**

The Audit Commander, at his/her discretion, can conduct a follow-up audit. Results of the follow-up audit shall be communicated to the Chief of Police through a written report.

### **10.10.110 Audit Reports**

#### **A. Report Requirements**

The Audit Commander shall submit all audit reports to the Chief of Police, along with retaining copies for his/her own files.

#### **B. Contents of Reports**

Audit reports shall include:

1. An Executive Summary of findings;
2. A description of the area undergoing the audit;
3. Background on the process leading to the audit;
4. A precise statement of the scope encompassed by the audit;
5. A description of Outstanding Performance identified through the audit;
6. An individual listing of findings, including a description of the finding, its probable cause, potential impact, and recommendations for corrective action required to re-establish compliance;
7. A statement by management of the corrective actions previously taken or contemplated as a result of the audit findings;
8. An opinion on management's plan of action; and,
9. An individual listing of exit items for consideration and study by management.

## **10.20 Inspectional Process: Line & Staff Inspections and "Inspection Report" Completion**

### **10.20.010 Generally**

The purpose of this order is to establish departmental policy and procedure concerning the inspection of department operations, facilities, activities, equipment and personnel, and the completion of revised MNPD Form 210, Inspection Report.

### **10.20.020 Definitions**

For the purpose of this order, the following words or terms shall be defined:

- A. **Inspectional Process:** The function of inspecting or evaluating departmental operations, facilities, activities, equipment and/or personnel, so that to ensure efficiency and effectiveness of the department, and to generate findings, conclusions and/or recommendations. (CALEA Ch. 53)
- B. **General Supervisory Control:** The day-to-day supervision of a subordinate's duties, activities, and daily inspection, and/or the overseeing of the internal function and general operation of a component.
- C. **Special Supervisory Control:** The temporary supervision of a subordinate's duties, activities, inspections and/or the overseeing of the internal function and general operation of a component during contingent/special operations.
- D. **Line/Authoritative Inspection:** Inspections conducted by personnel that are in the general supervisory control of the inspected personnel or component. These inspections are generally conducted by first line (immediate), or mid-level supervisors, with the results of the inspection reported through the chain of command. (CALEA 53.1.1)
- E. **Staff/Administrative Inspection:** Inspections conducted by authorized personnel who do not have general or special supervisory control of the inspected personnel or component. The results of the inspection shall be reported to the inspector's supervisor.

### **10.20.030 General Provisions**

- A. The inspectional process is an essential tool for evaluating the quality of the department's operations. The process ensures the department's

and/or component's goals and objectives are being pursued by identifying the need for additional resources.

- B. Generally, the inspectional process at both the line and staff levels provides the department's executive and command level personnel with a means of regularly assessing the department's or component's efficiency and effectiveness. It also provides information necessary to plan for change in operations, or the content of training programs.
- C. The inspectional process shall be an ongoing and primary activity of all supervisory personnel. Supervisors shall take necessary corrective or recommended action when observing inefficiencies in their command area regarding:
  - 1. Safety
  - 2. Department's or component's goals and objectives
  - 3. Work performance/quality
  - 4. Facility, equipment, and supply adequacies
  - 5. Economy
  - 6. Subordinate personnel's deportment, discipline, and morale
  - 7. Daily subordinate personnel's inspection
  - 8. Productivity
  - 9. Public reaction and relations

#### **10.20.040 Specific Provisions**

##### **A. Line/Authoritative Inspections**

It shall be the responsibility of personnel having general supervisory control of a subordinate/component to:

- 1. Conduct inspections as he/she deems necessary to ensure compliance with applicable regulatory provisions. This ensures the subordinate/component is fit for duty.
- 2. **Conduct a field/formal inspection at least quarterly for first responder and support personnel equipment, vehicles, et cetera, and at least bi-annually for administrative personnel.**

**NOTE:** Supervisors conducting a field/formal inspection of the above shall complete MNPDP Form 210, Inspection Report, for each subordinate and/or component vehicle inspected. This report shall be retained in his/her "Command Records File", for a period of three (3) years from the inspection date.

3. Take immediate necessary corrective action for any inadequacy of the inspection.

**B. Staff/Administrative Inspection:**

1. The general department of departmental personnel through inspections at least every two years, or as deemed necessary, to ensure personnel are in compliance with applicable regulatory provisions.

**NOTE:** There shall be a formal staff inspection during in-service training every two years. Personnel shall bring: a complete department issued uniform and authorized equipment; if the member has an assigned department vehicle, the vehicle and its prescribed equipment shall be inspected; and, all applicable items listed on the Inspection Report.

2. The general condition of departmental property, equipment, and facilities through inspections. This inspection shall be conducted at least every two years, or as deemed necessary, to ensure compliance with applicable regulatory provisions.

**NOTE:** Staff inspectors conducting a field/formal inspection of personnel/non-contingency vehicles, shall complete MNPDP Form 210, Inspection Report, for each person or vehicle inspected. This report shall be retained in the Inspections Section's, "Field Inspection File", for a period of three (3) years from the inspection date.

3. The general efficiency and effectiveness of department operations through review of organizational components, as designated by the Chief of Police or his/her designee. Such inspections will be directed toward reporting:
  - a. The integrity of "line" supervision – identifying any deficiency therein;
  - b. The degree of compliance/conflict with the application of regulatory provisions, or other communications of the Chief of Police or other authorized source;
  - c. Any recurring problems in operations.
4. The need of change in any area of concern. These changes shall be reflected by the analytical review conducted during the inspection.

5. Such other services as may be required for the good of the department and the community.
6. Staff inspectors have no command authority over line components and/or personnel involving non-emergency circumstances. Such deficiencies shall be communicated through the appropriate "chain of command". A summary report shall be made by those individuals responsible for conducting the inspection. The report will include any noted deficiency and follow-up recommendations for improvement. Any corrective action called for in the report will be handled by the Component Supervisor in charge of the component where the deficiency was noted and will be responsible to follow-up the inspection to make sure the deficiency is corrected.

#### **10.20.050 Inspection Reports**

- A. **Personnel Field/Formal Inspections:** Any inspection of departmental personnel, (civilian or sworn) shall be reported by completing MPD Form 210, Inspection Report. All applicable items listed shall be visually inspected.
- B. **Contingency Vehicle Field/Formal Inspections:** (Vehicles for SWAT and Communications, aircraft, boats, et cetera)  
Any inspection of contingency vehicles and their specialized equipment/supplies, shall be reported by completing a customized inspection and inventory report designed for each particular type of vehicle. The report shall have the following basic information:
  1. Vehicle type/description
  2. Base location/assigned personnel
  3. Stocked equipment/supplies
  4. Maintenance

**NOTE:** These specialized reports are too numerous to list, but are on file in the Planning and Research Division upon request.

Each vehicle and its contents shall be inspected at least **once a month**. The only exception to this is when the police water craft is in dry dock for winter storage. If the water craft is taken out of storage for special use, it will be re-inspected once it is placed back in the dry dock. Regular monthly inspections will resume during seasonal use.



### C. Inspection Report Completion Instructions

1. Type of Inspection: Indicated by checking if the inspection is either a line or staff inspection, and if it is either a monthly, bi-annual (six months), annual, or special inspection.

**NOTE:** Special inspections shall be indicated when the inspection is either a re-inspection, newly transferred personnel, or for any other reason that the supervisory personnel has deemed necessary as stated in Section 10.20.040, A.

2. Person Inspected and Inspector Information: Enter all applicable information in the appropriate blocks provided.

**NOTE:** If a component vehicle only is being inspected, check the N/A box in the inspected personnel's name block. Enter a check in the Component Vehicle box located in the assignment block. Next, indicate the vehicle's assignment information.

3. Compliance Indicator Symbols (C.I.S.): This section defines the different types of C.I.S. and the indication of not applicable (N/A) sections or items, as prescribed below:
  - a. The minus (-) symbol, indicates that the item inspected is "not" in compliance. Enter (-) in the appropriate C.I.S. minus column box that is provided to the right of each item, with the exception of items 89 thru 101.
  - b. The plus (+) symbol indicates that the item inspected is in compliance with the provision as **standard**. Enter (+) in the column box that is provided to the right of each item, and the minus column.

**NOTE:** Do not enter a minus (-) C.I.S. for any item in the Exemplary Equipment subsection. These items, if applicable, shall receive only a plus (+) C.I.S. The plus indicates that having the item is considered to be "Exemplary" or "Outstanding".

**NOTE:** These items are considered a model example worthy of imitation. A total should be entered at the bottom of the column. This total is to document **only** those reports that request the inspected person's exemplary activities. i.e. evaluations.

- c. Any subsection or item that is considered not applicable (N/A), shall be indicated as such by entering an (x) mark in the appropriate N/A box provided in either the section's heading, or to the left of each item, (except in the Exemplary Equipment subsection).
- 4. Items Inspected Section: This section lists the different subsection categories to be inspected. The following explains each subsection category and the applicability to personnel inspected.

- a. Personal Appearance/Attire – Personnel shall be inspected according to the applicable subsections. For example:  
classification – civilian or sworn  
gender – male or female  
assignment – uniform or non-uniform

**NOTE:** Unless otherwise requested prior to the inspection, personnel shall be inspected according to their authorized general service duty attire.

- b. Uniform: Personnel inspected in their authorized/issued uniform shall be held accountable for all applicable items and provisions included in that subsection.

**NOTE:** Until June 30, 1993 when the leather jacket becomes mandatory, indicate (T) for tuffy jacket and (L) for leather jacket in the space provided in the Winter Coat category.

- c. Directives, Bulletins, & Training Material – All personnel inspected who have been issued departmental directives, bulletins, and /or training materials, shall be held accountable for each item issued in that subsection.

**NOTE:** Some of these materials may be too large or bulky to store in the inspected person's work area or vehicle. Therefore, those materials not required to perform day-to-day activities shall be kept at the employee's residence. These directives should be stored in such a way that the department's confidentiality is not breached and, that if requested, they can be produced.

- d. Vehicle Maintenance and Information – All personnel or components who have a department vehicle assigned to them shall be held accountable to this subsection and all applicable items and provisions.

**NOTE:** When a component has multiple shifts, the general maintenance responsibilities for the component's assigned vehicle shall be the shift with the majority of operational time – 0730 thru 1600 hours. All component assigned vehicles shall be field/formally inspected at least once a month by authorized line personnel. It shall also be inspected at least every two years by authorized staff personnel.

- e. Emergency/Marked Vehicle Equipment – All personnel or components assigned an emergency/marked vehicle shall be held accountable to this subsection and its applicable items and provisions.

**NOTE:** A component is only responsible for its assigned vehicle items that are permanently attached or bracketed to the vehicle; (i.e. emergency lights, department transceiver, fire extinguisher, etc.)

- f. Exemplary Equipment – Any inspected personnel who is authorized by either his/her supervisor or others to carry or transport an item listed, may qualify for marks regarding the items and provisions in this subsection. (See Section 10.20.050 C(3)(b), NOTE)

5. Disposition of the Inspection Section: Upon the completion of all applicable items, **total only the minus (-) symbols**. Enter the total in the total box located in the disposition section.

**NOTE:** In the event there are no minus symbols indicated in the C.I. S. column, enter a (0) in the total box.

The Disposition of the inspection is determined by the amount of C.I.S. indicated as follows:

- a. Any number of minus (-) marks in the C.I.S. total box indicates that the inspected person or vehicle is below standard. All items indicated as such shall be explained in the remarks section, and shall be re-inspected within five (5) calendar days.

**NOTE:** If the item receiving a minus (-) C.I.S. jeopardizes the safety or function of any person or operation, or violates any law provision, the inspected person shall be immediately suspended from his/her duties, by either

Line or Staff inspectors, until the inspected person is in compliance, or until other provisions dictate.

- b. A total or zero in the C.I.S. minus (-) total box, means that there are no minuses (-) indicated.
- 6. Remarks Section: This section explains all items receiving a minus (-) C.I.S., and/or any allowances, exemptions and/or recommendations.
- 7. Signature of Inspected and Inspecting Personnel Section: The inspected and inspecting personnel shall sign the report upon its completion. These signatures are to verify the integrity of the report only, and do not indicate that the inspected personnel agrees with the inspection's results.

**NOTE:** If the inspected person disagrees with his/her inspection results, he/she shall attempt to rectify the disagreement through the appropriate grievance provisions.

## **Title 11: Use of Force**

### **11.10 Use of Force**

The Metropolitan Nashville Police Department recognizes and respects the value and special integrity of each human life. When investing police employees with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required.

**11.10.010 It is the policy of the Metropolitan Nashville Police Department that authorized employees shall use only that force that is reasonably necessary to effect lawful objectives. Therefore, intentional misuse of the authority granted under this policy is grounds for disciplinary action up to and including those outlined in category A of established policy for Discipline and Corrective Action.**

This policy is for Metropolitan Nashville Police Department use only and does not apply in any criminal or civil legal proceedings. This department policy should not be construed as the creation of a higher legal standard of care. Violation of this directive will only form the basis for departmental administrative sanction.

#### **11.10.020 Definitions Specific to Use of Force**

- A. **Absolutely Necessary:** All other options have been exhausted, unavailable, or are not feasible.
- B. **Active Aggression:** Where the employee's attempt to gain lawful compliance has culminated in the perception of an attack, or the potential for such an attack, on the employee or others. The employee makes the reasonable assessment that such actions by the subject would not result in serious bodily injury or death to the employee or others.
- C. **Active Resistance:** A subject whose non-compliance includes resistive movements or physical defiance.
- D. **Aggravated Active Aggression:** Where the employee's attempt to gain lawful compliance has culminated in the perception of an attack or the potential for such an attack on the employee or others. The employee makes the reasonable assessment that such actions by the subject could result in serious bodily injury or death to the employee or others.

- E. **Authorized Weapons and Ammunition:** Weapons and ammunition approved by the Metropolitan Nashville Police Department Chief of Police and the Training Division for which authorized employees receive departmentally approved safety and proficiency training.
- F. **Conducted Energy Device (CED):** A hand-held device that is designed to subdue persons and/or animals. The device uses a low dose electrical current to temporarily stun and immobilize. Currently, the departmentally approved CEDs are the Taser® Model M26, Taser® Model X26 or Taser® Model X26P.
- G. **Deadly Force:** Any use of force reasonably calculated to produce death or serious bodily injury.
- H. **Defensive Force:** Use of hands, feet, or any other defensive equipment to overcome violent resistance or to protect self or others from assault or injury.
- I. **Excited Delirium:** A state of extreme mental and physiological excitement, characterized by extreme agitation (including shouting and disruptive behavior), hyperthermia, excessive watering of the eyes, hostility, paranoia or panic, inappropriate nudity, exceptional strength and endurance without fatigue.
- J. **Force-Continuum:** Broad categories of force, in identifiable escalating/de-escalating stages of intensity, in response to a subject's action. They are commonly identified as official presence, verbal direction, soft empty-hand control, hand-held chemical spray/conducted energy device, hard empty-hand control, batons, and firearms. A subject's action may be defined in broad categories including full compliance to commands, verbal uncooperativeness, passive resistance, active resistance, active aggression, and aggravated active aggression (deadly force).
- K. **Injury:** Includes any physical pain, illness, or any impairment of physical condition.
- L. **Less Lethal Devices:** A device that is designed to reduce the potential of causing serious bodily injury or death.
- M. **Lethal Weapon:** Any weapon reasonably calculated to produce death or serious bodily injury.
- N. **Non-Deadly Force:** Any use of force other than that which is considered deadly force.

- O. **Passive Resistance:** A non-compliant subject who offers no sign of physical defiance or resistive movement towards an employee's efforts.
- P. **Physical Force:** The application of a technique, action, or device to compel a change in the actions of another person; usually compliance with a desired behavior, submission to authority, or to de-escalate a threatening behavior.
- Q. **Positional Asphyxia:** Positional asphyxia is a position that can produce unconsciousness or death caused by a lack of oxygen or an increase of carbon dioxide in the blood.
- R. **Reasonable Belief:** The facts or circumstances the employee knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.
- S. **Restraining Force:** Force which is limited to holding and restraining persons, which shall include arm-lock and takedown holds, but shall not include neck restraints.
- T. **Serious Bodily Injury:** Bodily injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in long-term loss or impairment of the functioning of any bodily member or organ.
- U. **Verbal Uncooperativeness:** A compliant subject who offers no sign of physical defiance or resistive movement towards an employee's efforts, yet verbalizes resistance to instructions.

#### **11.10.030 Parameters for Non-Deadly Force**

- A. When the use of force is needed, if feasible, authorized employees will identify themselves and determine which options in the force continuum will best de-escalate the situation in the most safe, reasonable, and prudent manner possible.

When communicating with any individual(s) wherein the use of force is likely, officers should be aware of any type of issue that may interfere with the subject's ability for communication and/or comprehension of the officer's instructions and/or commands.

Issues interfering with communication/understanding may include hearing impairment, but also cognitive deficits (e.g. dementia), or other apparent behavioral/mental impairment.

- B. Authorized employees are permitted to use department authorized non-deadly force techniques and equipment for resolution of incidents to:
  - 1. Protect themselves or another from bodily injury;
  - 2. Restrain or subdue a resistant person for whom there is probable cause to arrest or reasonable suspicion to stop;
  - 3. Prevent damage to property; and/or
  - 4. Bring an unlawful situation in which there is lawful authority for the employee to intervene, safely and effectively under control.
- C. Authorized employees may use department issued or approved hobble restraints and approved custodial restraint techniques on subjects who have been combative to reduce the likelihood of self-inflicted injury or to control further resistance while handcuffed. Employees are **not** permitted to use hobble restraints, leg shackles, plastic ties, or any other device to place any subject in a manner which is likely to produce positional asphyxia.
- D. Any use of force on subjects who are handcuffed or otherwise in custody is prohibited unless physical resistance must be overcome. Such uses of force must be specifically articulated-with an emphasis on why a particular level of force used was necessary to obtain compliance.
- E. Authorized employees are permitted to use only that force which is reasonable and necessary under the particular circumstances to protect themselves or others from bodily injury, and only after other reasonable alternatives have been exhausted or it is determined that such alternative action(s) would be ineffective under the circumstances.
- F. Flight alone shall not justify the use of any level of force beyond official presence or verbal direction on a suspect. An officer must have reasonable suspicion or probable cause to believe that the suspect has committed or is about to commit a criminal offense before utilizing force greater than verbal direction.

#### **11.10.040 Use of Chemical Spray**

- A. When discharging chemical spray on an individual or animal that is within the parameters for the use of non-deadly force, the authorized employee shall:



1. Give the verbal warning of “**clear**” to alert other personnel that the spray is about to be used so they can create a safe distance between themselves and the target of the spray; and
2. Use a short burst and only the number of bursts necessary to achieve the desired effect of temporarily immobilizing the individual being sprayed; and
3. Use at a maximum distance of fifteen (15) feet, and a minimum distance of three (3) feet from the target person; and
4. When possible, discharge the spray from his/her strong hand; and
5. Follow all other techniques and/or instructions taught or disseminated by Metropolitan Nashville Police Department Training Division personnel.

**B. Storage & Security**

1. Chemical spray shall be securely stored at all times when not in use.
2. An employee shall keep issued **chemical spray** out of reach of children at all times.

**C. Further provisions regarding chemical spray:**

1. All Metropolitan Nashville Police Department sworn personnel and other authorized employees shall be trained in the proficient use of chemical spray, in accordance with the training provided by Metropolitan Nashville Police Department Training Division personnel.
2. All Metropolitan Nashville Police Department sworn personnel and other authorized employees shall receive training and updates in the use of chemical spray on a biennial basis.
3. Authorized employees are only allowed to carry departmentally issued chemical sprays.
4. Chemical spray is to be carried only in a department approved holster, on the front side of the utility belt in a manner consistent with established training.
5. Authorized employees will be issued one container of chemical spray by Training Division personnel and can obtain another

container after a discharge (when over half of a can is used), if he/she brings the used container to the Training Division. Training Division personnel will attempt to verify that an MNP Form 108, Use of Force Report is on file that describes the employee's use of the chemical spray before issuing the new container.

6. Carrying of a chemical spray while off-duty shall be at the discretion of the employee.
7. Authorized employees will not carry a chemical spray onto any airplane or helicopter.
8. Prior to using the chemical spray on an individual driving or in physical control of a vehicle, the employee(s) shall immobilize the individual's vehicle to prohibit it from moving during the incident, or ensure the vehicle would not pose an unreasonable risk to persons or property should chemical spray be deployed. All incidents of use will be consistent with established departmentally approved training.
9. Authorized employees should not use a chemical spray in the vicinity of infants.
10. Any use of a chemical spray not consistent with established departmental policy or departmental training is expressly prohibited, and may result in disciplinary action.
11. Violation of departmental policies or training governing the use of chemical spray by an employee may result in remedial training, corrective or disciplinary action.

#### **11.10.050 Use of Conducted Energy Device Taser®**

- A. The department may issue or make available a Conducted Energy Device (CED) to **authorized** employees who have successfully completed specialized training and qualification in the operation and use of these devices.

Currently, the only departmentally approved CED is the Taser® Model M26, Taser® Model X26P or the Taser® Model X26. All Tasers® shall be equipped with a camera that can record both audio and video data.

- B. CEDs should be fired from the strong hand only. Additionally, CEDs should NEVER be held in the hand at the same time as the pistol.

- C. Authorized employees who are qualified by the MNPd to carry a Taser® may individually purchase and carry a departmentally approved Taser®.

#### **11.10.060 Taser® / CED Training & Certification**

- A. Taser® training shall be provided by the Metro Police Training Division to authorized employees. Such training shall be consistent with approved lesson plans.
- B. Only those authorized employees who successfully complete and maintain certification may carry and/or deploy the Taser®.
- C. To ensure proficiency, authorized employees will be required to successfully complete departmental Taser® training updates. This training shall, at a minimum, be provided annually.

#### **11.10.070 Taser® Inspection & Storage**

- A. If a Taser® is individually assigned, the employee will perform a spark test at the beginning of each shift to ensure that the device is charged and properly functioning and/or other such inspection as recommended by the manufacturer.
- B. If a Taser® is not individually assigned, the supervisor of the assigned unit will ensure that a spark test is performed at the beginning of each shift to ensure that the device is charged and properly functioning and/or other such inspection as recommended by the manufacturer.
- C. Storage & Security
  - 1. The Taser® shall be securely stored at all times when not in use.
  - 2. An employee storing a Taser® shall be responsible for the safety and security of the Taser® unless another employee assumes responsibility for the device.
  - 3. An employee shall keep the Taser® and cartridges out of reach of children at all times.
- D. The Taser® shall be inspected, and its information noted, consistent with established policy and procedure governing departmental inspections.

#### **11.10.080 Taser® Deployment**

- A. Deployment

1. The Taser® may be deployed consistent with established policy and procedure governing the force continuum. The Taser® is considered an “intermediate” level of force between soft empty-hand control techniques and hard empty-hand control techniques and may be deployed as appropriate.
  2. Fleeing Suspect: All other provisions of this order notwithstanding, there must be probable cause to justify the arrest of a fleeing suspect for a criminal offense prior to utilizing the Taser® to effect the arrest.
- B. When deploying the Taser®, probes or stun, at or upon an individual or animal that is within the parameters for the use of non-deadly force, the authorized employee shall:
1. Whenever possible, give the verbal warning of “**Taser!**” to alert other personnel that the Taser® is about to be used so they can create a safe distance between themselves and the target;
  2. Deploy the Taser® consistent with department-approved training. Use only the minimum number of bursts and the minimum duration reasonably necessary to achieve the desired effect of temporarily immobilizing the individual or animal;
  3. When possible, one authorized employee should deploy the Taser® while a cover employee is prepared with a standard weapon;
  4. Employees should take the suspect into custody as soon as possible after deploying the Taser® thereby minimizing the number and duration of bursts necessary while realizing that the suspect may not be able to respond to commands during or immediately following a burst;
  5. Follow all other techniques and/or instructions taught or disseminated by Metropolitan Nashville Police Department Training Division personnel; and
  6. Employees shall be aware that first responders from the Metropolitan Fire Department have developed specific protocols when responding to calls where the Taser® has

been utilized. To ensure the safety of suspects where a Taser® has been deployed, officers shall:

- a. Where feasible, notify the Metropolitan Fire Department prior to deploying the Taser® on a subject exhibiting behavior characteristic of, or similar to, Excited Delirium; or
  - b. When prior notification is not possible on a subject that is exhibiting behavior similar to Excited Delirium, notify the Metropolitan Fire Department immediately after the Taser® has been utilized.
7. None of the above provisions shall preclude an employee from notifying the Metropolitan Fire Department and request assistance in any other circumstance wherein the presence of medical personnel may be appropriate.

C. Further provisions regarding the Taser®:

1. Authorized employees are only allowed to carry the departmentally authorized Taser® units and **only** departmentally issued Taser® cartridges while on or off duty.
2. The Taser® is to be carried in a department approved holster (on the front side of the utility belt in a cross-draw position), secured in the vehicle, or other approved method.
3. Carrying of the Taser® while off-duty shall be at the discretion of the authorized employee.
4. Prior to using the Taser® on an individual driving or in physical control of a vehicle, the employee(s) shall immobilize the individual's vehicle to prohibit it from moving during the incident, or ensure the vehicle would not pose an unreasonable risk to persons or property should the Taser® be deployed. All incidents of use will be consistent with established departmentally approved training.

The Taser® shall not be used on persons known to have been exposed to flammable liquids or sprayed with a chemical spray containing a flammable propellant, or in a location near flammable liquids or where flammable gasses are known to be present.

5. The Taser® should not be used on persons who are visibly pregnant or are at the extremes of age or physically disabled

UNLESS there are compelling reasons to do so which can be clearly articulated.

6. The normal reaction of a person exposed to the discharge of a Taser® is the loss of some voluntary muscle control resulting in the subject falling to the ground or 'freezing' on the spot. For this reason, there is clearly a possibility of some secondary injury to the 'Tasered' subject, caused by falling and striking a hard surface. Particular attention should therefore be paid to the immediate environment and to assessing any additional risk factors (i.e. age, physical condition of the subject, objects being held by subject, etc.).
7. A Taser® shall not be used in cases of passive resistance, unless a lesser means of force:
  - a. Has been attempted and failed;
  - b. Is not an option due to exigent circumstances; or
  - c. If attempted, could result in a significant possibility of injury to the employee or suspect.
  - d. Where feasible, supervisory approval should be obtained before a Taser® is used to effect the arrest of a subject who is passively resisting.
8. Any use of the Taser® not consistent with established departmental policy or training is expressly prohibited, and may result in corrective or disciplinary action.
9. Violation of policies or training governing the use of the Taser® by an employee may result in remedial training, corrective or disciplinary action.

#### **11.10.090 Taser® Maintenance**

**A. Replacement Cartridges:**

Upon use of a cartridge, the deploying personnel shall submit a copy of the completed Taser® Use Report-MNPD Form 108T detailing the use of the Taser® to the Police Training Division. Upon review of the supporting documentation, the Training Division will provide authorized replacement cartridges. Only cartridges provided by the Training Division are authorized for use.

- B.** All Tasers shall be downloaded on a quarterly basis by designated supervisory personnel at the precinct or unit where Tasers are assigned. The download will include both department issued and

personally owned Tasers. Such download data shall be stored on a network based drive, as identified by Police Information Technology Division, and shall be maintained at least five (5) years.

- C. **Any Taser® which may require service, repair, or maintenance shall be delivered to the Police Training Division as soon as practical. The Academy shall, when available, issue a temporary replacement Taser® until such assigned Taser® can be returned.**

#### **11.10.100 Reporting & Documentation of Taser® Use**

- A. Personnel shall report all use of force incidents for the purpose of determining their justification. Consistent with established policy, when force is applied through the use of the Taser®, the employee shall complete the Use of Force Report-MNPD Form 108 and a Taser® Use Report-MNPD Form 108T.
- B. As with any application of force, multiple applications/bursts of the Taser®, in any mode, is a separate application of force within the overall force incident and justification for each must be clearly articulated.
- C. Personnel shall report the display of a Taser® when such display has had the effect of reducing or eliminating the need for additional use of force. Reporting of such displays shall be by the completion of a Taser® Use Report-MNPD Form 108T (if no other force is used, a Use of Force Report-MNPD Form 108 is not required). For purposes of this section, display is defined as: drawing and aiming, or indicating potential use, without application, of a Taser® in circumstances where any person perceives the action as a use of force or threat of a use of force, whether or not this is accompanied by a verbal warning, sparking of the device or placing of the laser sight red dot onto a subject. Reports generated under this section will be submitted through the established chain of command and a copy submitted to the Director of the Training Division.
- D. Personnel shall immediately notify a supervisor anytime their Taser® is activated except for a spark test or formal training exercise. Upon the deactivation of the safety, the Taser® is activated and will begin recording dataport information. The laser sighting and led lighting will also occur. Should the incident not require a 108 or 108T, it will be documented on an MNPD supplement form 104. A supervisor shall download the dataport record of this event when appropriate and consistent with established training.
- E. The original Taser® Use Report-MNPD Form 108T shall be processed with the original Use of Force Report-MNPD Form 108 consistent with

established policy. When appropriate, the download report may be included with the submission packet.

**F. Evidence Collection & Maintenance**

**1. Taser® Cartridge(s) and Probes**

Expendable Taser® Cartridge(s) and Probes may be placed into property as evidence or disposed of as bio-hazardous waste consistent with established procedure.

**2. Photographs**

When appropriate, photographs should be made of a subject's injuries/condition.

**G. The Police Training Division will maintain a database of Taser® equipment assigned by the MNPd, as well as personally owned Tasers®, and their use consistent with established policy and procedure. Such database will include, at a minimum, the name of the personnel receiving the Taser®, the serial number(s) of assigned Taser®, serial number(s) of assigned/expendable cartridges, complaint numbers of incidents related to expendable cartridges, and the relevant dates and times relating to issuance of such equipment.**

**H. Precinct/Division Commander Review**

1. Whenever the Taser® is displayed or utilized and the MNPd Form 108T, Taser® Use Report is completed, the Precinct/Division Commander shall review that form and all associated documents.
2. After review, the Precinct/Division Commander shall make a determination whether or not to authorize the officer to continue to carry/utilize the Taser®. If the employee's Precinct/Division Commander is not available to review and approve the MNPd Form 108T (on vacation, sick leave, etc.), another Precinct/Division Commander in that Bureau will review and approve or disapprove the MNPd Form 108T. The MNPd Form 108T cannot be approved by an Acting Precinct/Division Commander. For the purpose of this directive, Precinct/Division Commanders are Police Captains or Police Commanders. If the Precinct/Division Commander disapproves the employee's continued use of the Taser®, he/she shall complete a detailed narrative supporting his/her decision and attach it to the MNPd Form 108T.
3. The Precinct/Division Commander shall immediately notify the following departmental elements should an employee's authorization to carry the Taser® be suspended:



- a. The employee's chain of command;
- b. The Director of the Training Academy; and
- c. The Chief of Police

#### **11.10.110 Use of Less Lethal Devices**

The department may issue or make available less lethal devices (i.e., bean bag, etc.) to **authorized** employees who have successfully completed specialized training and/or qualification in the operation and use of these devices.

#### **11.10.120 Use of Deadly Force in Self Defense**

Authorized employees may use deadly force when they have a reasonable belief that the action is immediately necessary to prevent imminent death or serious bodily injury of a human being, including the employee.

#### **11.10.130 Use of Deadly Force to Effect an Arrest**

Authorized employees may use deadly force to effect the arrest of a fleeing felon only when:

- A. The employee has probable cause to believe the individual to be arrested has committed a felony involving the infliction or threatened infliction of serious bodily injury; **AND**
- B. The employee has probable cause to believe that the individual to be arrested poses a threat of death or serious bodily injury, either to the employee or to others unless immediately apprehended; **AND**
- C. Where feasible, the employee has identified himself/herself as a police employee and given warning such as, "**STOP--POLICE--I'LL SHOOT,**" that deadly force is about to be used unless flight ceases; **AND**
- D. If all other means of apprehension available to the employee under the attendant circumstances have been exhausted.

#### **11.10.140 Administration of First-Aid**

- A. Whenever an employee is involved in a use of force incident in which a person sustains injuries or requests evaluation and/or treatment, the appropriate first-aid shall be administered either by the employee or others at the scene, by transporting the injured person to the hospital, and/or by summoning emergency medical personnel.

- B. After any use of force, employees should inquire of the subject as to injuries or pre-existing medical conditions, regardless of whether they are obvious. Where employees are informed or have reason to believe that a person, to whom any use of force has been applied, has an injury or pre-existing medical condition which places the subject at an increased risk of developing a medical crisis, employees shall provide immediate aid by transporting the injured person to the hospital, and/or by summoning emergency medical personnel.
- C. After any use of force on an individual who has exhibited signs or symptoms of excited delirium, extreme drug/alcohol intoxication, extreme hyperactivity, or similar uncontrolled behaviors, employees shall provide immediate aid by summoning emergency medical personnel and/or by transporting the person to the hospital.
- D. After any use of force on an individual who is suspected to have ingested contraband, evidence, or unknown suspicious substances; employees shall provide immediate aid by summoning emergency medical personnel and/or by transporting the person to the hospital.
- E. After any use of force, at a minimum, employees shall notify receiving DCSO personnel of any known or observed injuries or pre-existing medical conditions so that the DCSO Nurse can conduct an informed intake interview and assessment.
- F. In a case when chemical spray is used the employee will:
  - 1. Monitor and verbally reassure the subject that the effects of the spray will normally subside in thirty to forty-five minutes;
  - 2. After the subject is secured, allow the subject proper ventilation to expedite the recovery period;
  - 3. If the individual experiences or complains of symptoms other than those normally associated with the use a chemical spray or does not show signs of recovery within the normally expected time period, they should be afforded immediate medical attention. Unusual symptoms include profuse sweating, respiratory problems, or chest and/or neck pain. If these symptoms do occur the employee should administer first aid and call for an ambulance. Employees will also advise medical personnel that the individual has been exposed to chemical spray;

4. The Chemical Spray Aftercare Notice, MNPD Form 109, shall be provided to all individuals who have been exposed to the chemical spray; and
  5. When transferring custody of a subject who has been exposed to chemical spray to medical personnel, Davidson County Sheriff's Office Personnel, or others, the employee shall advise the receiving personnel of the transferred subject's exposure to the chemical spray and the time of the exposure.
- G. When the Taser® is used, either by probes or drive stun, the employee will:
1. Monitor and verbally reassure the subject that the effects of the Taser® will normally subside in a matter of minutes, if not immediately.
  2. If the individual experiences or complains of symptoms other than those normally associated with the use of the Taser® or does not show signs of recovery within the normally expected time period, they should be afforded immediate medical attention. Employees will advise medical personnel that the individual has been exposed to the Taser®, and when custody is transferred, the transferring personnel shall also notify the receiving personnel that the subject has been exposed to the Taser®.
  3. After Taser® use, the following persons shall be medically evaluated by emergency medical personnel or by an appropriate medical facility:
    - a. Persons who are visibly pregnant or are at the extremes of age or physically disabled,
    - b. Persons who had more than three (3) bursts applied via probes,
    - c. Persons who had more than one CED effectively used in the same incident,
    - d. Persons who have been subjected to a continuous burst of fifteen (15) seconds or more, or
    - e. Persons described as requiring evaluation and/or treatment as described in Sections A or B above or the Guidelines for Probe Removal of the MNPD Taser® Student Manual.

4. The Taser® Aftercare Notice shall be provided to all individuals who have been exposed to the Taser®.
5. Probe Removal: Probes that have not pierced the skin or are superficially in the skin may be removed by an employee who is trained to do so and, if practical, in the presence of another employee. Authorized employees shall remove such probes consistent with department-approved training and the Guidelines for Police Officer Removal of Taser® Probes. Employees shall NOT attempt removal if subject is combative or if the location of the probe is in the face, neck, ear, breast, groin, or deeply embedded.

#### **11.10.150 General Provisions**

- A. In addition to the use of force provisions stated in this order, an authorized employee may also discharge a firearm under the following circumstances:
  1. During legal or routine firearms training; and
  2. To destroy seriously injured and suffering or dangerous animals when no other disposition is practical. A supervisor's approval will be sought when possible.
- B. Authorized employees shall adhere to the following restrictions:
  1. Except for maintenance, official inspections, or during training, employees **shall not** draw or exhibit their firearm unless circumstances create reason to believe that it may become necessary to use it as provided in this policy;
  2. Warning shots are prohibited;
  3. When effecting an arrest, no form of deadly force shall be used which would pose a substantial risk to innocent bystanders; and
  4. When the use of deadly force is necessary to defend the employee or another from death or serious bodily harm, every effort will be made to minimize the risk of harm to innocent persons.
- C. Employees shall adhere to department approved procedures, training, and tactics related to use of force.
- D. Employees **shall not** discharge their firearm at or from a moving vehicle unless absolutely necessary to protect the life of the employee or others.

- E. Employees shall not knowingly place themselves in a position where they would be in jeopardy of being struck by a suspect vehicle or knowingly stand and/or step into the path of a vehicle, creating circumstances where the use of deadly force may be necessary.
- F. All authorized employees shall be armed while on duty except, subject to supervisory approval, when their assignment requires otherwise.
- G. The carrying of firearms while off-duty shall be at the discretion of the employee. If the employee chooses not to carry a firearm and the need for police services arises, the employee **shall** take appropriate action and request an on-duty employee to respond.
- H. A firearm must always be carried by an authorized employee when operating a departmental vehicle except, subject to supervisory approval, when his/her safety might be jeopardized should his/her identity be revealed.
- I. When an authorized employee is in civilian attire and armed, the firearm must be concealed from view when in public. Authorized employees shall always possess their departmental credentials (I.D. card and badge) when armed.
- J. Use of equipment, other than the approved baton, as an impact device is prohibited.
  - 1. However, under **exigent circumstances**, other equipment may be used as a defensive impact device when the use of the baton is not feasible.
    - a. If such non-lethal equipment is used as a defensive impact device within the guidelines of this policy, the guidelines applicable to the use of a baton shall apply.
    - b. If lethal equipment (firearm, vehicle, etc.) is used as a defensive impact device within the guidelines of this policy, the guidelines applicable to the use of a deadly force shall apply.
  - 2. When such equipment is used as a defensive impact device, the member should disengage as soon as the situation permits and transition to an approved device.
- K. When an employee reasonably believes that an arrestee has secreted an item within his/her mouth believed to be contraband or evidence, the following shall apply:

1. An officer may reasonably order an arrestee to remove that which the arrestee has within his/her mouth.
2. Before an officer may use physical force to search an arrestee's mouth for contraband the officer must first have (all of the following simultaneously present):
  - a. a lawful arrest of the person based upon probable cause;
  - b. probable cause to believe that the arrestee has secreted a "seizeable item" (e.g. illegal drugs) within his/her mouth;
  - c. a "clear indication" that a seizeable item will be found within the arrestee's mouth; and
  - d. either a warrant authorizing an intrusion into the arrestee's mouth, or exigent circumstances, such as:
    - (1) imminent destruction of evidence or
    - (2) medical emergency.
3. Once all of the prerequisites listed above have been satisfied, then an officer may use objectively reasonable force to extract the contraband secreted in the arrestee's mouth in a manner consistent with departmentally approved training.
4. After such incidents, such persons shall be medically evaluated by emergency medical personnel or by an appropriate medical facility.

#### **11.10.160 Use of Force Training**

- A. All employees will be provided with a copy of the current use of force policy and thoroughly trained before being authorized to carry any weapon. Authorized employees will be instructed in the policies and procedures described in such policy and provided with the necessary training, at a minimum, on an annual basis. Employees shall adhere to principles and practices provided during departmentally approved training.  
*(The category of violation is based upon the circumstances and nature of the offense).*

**B. Less Lethal Devices**

Only those authorized employees who have successfully completed specialized training and/or qualification in the operation and use of less lethal devices may use such devices.

**C. Lethal Weapons**

For policy regarding training in the use of lethal weapons, see current firearms policy and departmentally approved lesson plans.

**D. Written directives and lesson plans governing the use of force shall be reviewed annually by the Director of the Training Division.**

**11.10.170 Reporting Use of Force**

**A. Personnel shall report all use of force incidents. However, no MNPDP Form 108 is required when official presence, verbal direction, and/or soft empty-hand control is used by the employee and there is no injury and no allegation of injury.**

**B. Use of force incidents to be reported shall include but are not limited to:**

1. Whenever an employee discharges a firearm, other than for training, or legal recreational purposes;
2. Whenever an employee takes an action that results in (or is alleged to have resulted in) injury or death of another person;
3. When force is applied through the use of less lethal weapons, CE devices, chemical spray, baton, etc.; and/or
4. Whenever an employee uses defensive or physical force other than soft empty-hand control.

**C. The employee involved in a use of force incident shall notify the appropriate supervisor immediately and complete an MNPDP Form 108, Use of Force Report.**

**D. The employee's immediate supervisor shall investigate the incident and review the MNPDP Form 108, Use of Force Report and any associated documents completed by the employee, and document his/her findings on an MNPDP Form 104, Supplement Report.**

**E. Such supervisory investigation, for Taser® use reports, shall include a review of the Precinct/Division conducted Taser® Download Report. The specific data from the Taser® download to be listed on the MNPDP**

Form 108T after a Taser® incident and included in the Supervisory Review are, at a minimum, the Date & Time of the Taser® use, Duration, Temperature and Battery information. The page from the download report documenting this incident shall be attached to, and become a part of, MNPDP Form 108T.

- F. The reviewing supervisor shall ensure a departmental control number is assigned to the Use of Force Report immediately upon receipt.
- G. MNPDP Form 108, Use of Force Reports, Taser® download reports, and the MNPDP Form 104 Supplement Report containing the supervisor's findings, shall be processed through the appropriate chain of command up to the Office of the Chief of Police and copies forwarded to the Director of the Training Division.
- H. Upon receipt, the support staff in the Office of the Chief of Police shall file the original and make any copies deemed necessary. All use of force incidents shall be logged into a computer database.
- I. The notified supervisor shall ensure that all appropriate notifications are made, consistent with established policy and procedure on call-outs of investigative elements.
- J. Responsibilities of the Office of Chief of Police

The Office of the Chief of Police will receive and file all original MNPDP Form 108, Use of Force Reports, MNPDP Form 108T, Taser® Use Reports, Taser® Download Reports, and related reports. Such reports shall be copied and distributed as directed. Relevant data from such reports will also be entered into a computer database.

K. Administrative and Investigative Procedures

- 1. Any employee whose use of force results in a death or serious bodily injury shall be removed from line or field duty assignments consistent with those outlined in Chapter 4, Section 4.60 (Relief From Duty/Decommission and Alternate Duty Assignment) by his/her supervisor without loss of pay or benefits, pending the investigative review.
- 2. As soon as practical, the employee's supervisor shall schedule a meeting between the involved employee and a representative from the Police Advocacy/Support Services Section for debriefing.
- 3. When an employee discharges a firearm in a manner that constitutes deadly force, the employee will be required to submit



that firearm for examination or testing by the appropriate firearms examination laboratory as may be necessary for the investigation. The firearm will not be left at the laboratory and never out of the employee's possession. The results of any examination will be submitted directly to the investigator.

4. The employee-in-charge of the investigation will document the firearm used by recording the make, model, and serial number of that firearm in his/her report. The firearm will be retained by the employee involved, but will not be cleaned prior to the examination.

#### **11.10.180 Force Review Board**

- A. The Force Review Board examines whether policies and procedures governing the use of force have been followed. The Chief of Police has the discretion of convening a Force Review Board as a result of any departmental use of force incident. The Chief of Police shall be the final authority within the department as to the disposition of each incident reviewed by the board.

- B. A Force Review Board shall be convened to review:

1. All uses of force involving firearms discharges.

***NOTE: Firearms discharges at injured or suffering animals or those involving accidental or negligent discharges are addressed in Section C, below.***

2. All uses of force involving the use of deadly force, or any force which results in death or serious bodily injury.
3. Uses of less than lethal force when such force is applied through the use of a primer activated weapon.
4. Any incident referred to the board by the Chief of Police, a Bureau Deputy Chief, the Director of the Training Division, or the Director of the Office of Professional Accountability.

- C. Weapons Discharges at Injured or Suffering Animals & Negligent/Accidental Firearms Discharges

1. All firearm discharges resulting in the death of an injured and suffering animal, when no other disposition is practical, shall be investigated and reviewed by the affected employee's chain of command.

2. All firearm discharges as the result of negligence or an accident, unless occurring during an application of some type of force, shall be investigated and reviewed by the affected employee's chain of command.
  3. The involved employee's component commanding employee will review the circumstances and make a conclusion as to whether the weapon discharge was within departmental policy. The component commander will then forward a written report to the Chief of Police, through his/her chain of command, detailing his/her conclusion. If the component commander reasonably believes that the employee's actions may have been outside the parameters of the department's policies, procedures, or directives, a recommendation regarding remedial training and/or corrective/disciplinary action shall be included.
  4. Discharges under this section will only be presented to the Force Review Board when the employee's chain of command determines such review to be in the best interest of the department.
- D. Firearm discharges involving an application of force, including dangerous animals for employee safety, or any use of deadly force will be investigated by the Homicide Section or Precinct Investigative Units, consistent with their established operating procedures, and presented to the Force Review Board.

E. Force Review Board Membership

The Force Review Board shall consist of:

1. The Deputy Chiefs of Police, or a designee approved by the Chief of Police. The Deputy Chief of the involved employee shall be the chairperson;
2. The Director of the Training Division;
3. The Commander of the Homicide Section;
4. The component commander of the involved employee, as designated by the board chairperson;
5. An equivalent rank/classification of the involved personnel, selected by the Chairperson;
6. A representative of the Office of Professional Accountability, who is assigned to assist the board and is a non-voting member; and
7. An attorney from the Metropolitan Department of Law, who will be present as a non-voting member.

**F. Meetings and Findings**

1. The chairperson of the Force Review Board should schedule a meeting of the Force Review Board to occur within thirty (30) calendar days, but no more than sixty (60) calendar days after each use of force required to be reviewed under this policy.
2. If facts indicate that criminal charges may be filed against an employee as a result of a use of force, the Force Review Board shall delay final recommendations until after such court actions are concluded.
3. At least five (5) working days prior to each Force Review Board meeting, the chairperson of the Force Review Board will ensure that all appropriate investigative reports are delivered to participating board members. Board members shall be advised that the investigative reports are not to be reviewed by anyone other than board members, and all reports must be returned at the conclusion of the board review.
4. Findings of the Force Review Board:

The Force Review Board, as a result of its review process, shall report three findings at the conclusion of each hearing. The board shall make the following findings:

**a. In Policy or Out of Policy**

The board shall make a finding as to whether the use of force was consistent with established departmental policy or procedure. The finding shall be reported as follows:

- (1) In Policy: The application of force was consistent with established departmental policy or procedure, or
- (2) Out of Policy: The application of force violated established departmental policy or procedure. The board, in its findings, shall specify which policy or procedure was violated.

**b. Intentional, Negligent, or Accidental**

The board shall make a finding as to whether the use of force was intentional, negligent, or accidental.

**c. Associated Recommendations**

The board shall make such recommendations it deems necessary, to include but not limited to:

- (1) the need for remedial training;
  - (2) the need to review or revise departmental policy, procedure, or training;
  - (3) the need for corrective or disciplinary action; or
  - (4) any other recommendation the board deems relevant.
5. A report of findings shall be submitted to the Chief of Police. This report should also include:
  - a. The relevant facts and circumstances surrounding the incident;
  - b. A conclusion as to whether the use of force complies with departmental policies and procedures; and
  - c. Any other documentation as needed.
6. When the board has reviewed the circumstances of the use of force and formulated their conclusions, the chairperson will cause the preparation of a report for the Chief of Police, detailing the board's conclusions and any recommendations. This report will be forwarded to the Chief of Police within fifteen (15) working days after the conclusion of the Force Review Board hearing. Should the voting members fail to unanimously agree regarding the board's conclusions and recommendations, each dissenting opinion shall be fully reported.

Within fifteen (15) working days after the Force Review Board issues its report to the Chief of Police, the representative from the Office of Professional Accountability may forward a separate opinion regarding the conclusions and recommendations of the Force Review Board to the Chief of Police.
7. The chairperson will retain all records, notes, and reports associated with the board hearing.

#### **G. Responsibilities**

1. The Chief of Police shall be the final authority within the department as to the disposition of each incident. The Chief of Police shall review all relevant reports and take one of the following actions:
  - a. Adopt the findings of the Force Review Board as stated in its report; or
  - b. Modify the findings of the Force Review Board and, if appropriate, issue an addendum to the report indicating the manner in which the findings have been modified; or

- c. Request the Force Review Board reconvene for the purpose of making additional findings and reporting them to the Chief of Police. In such an event, the Chief of Police shall instruct the board in writing as to what additional findings are needed.
2. The Chief of Police shall, upon a determination that a use of force incident was out-of-policy, refer the matter to the Office of Professional Accountability or the employee's chain of command for processing in accordance with the department's corrective or disciplinary action procedures.
3. Should the Chief of Police find that a need for additional or remedial training exists, either for the affected employee or throughout the department, the Director of the Training Division shall be responsible for providing the appropriate additional and/or remedial training and maintain a record of such training as a part of the departmental training records.
4. It will be the responsibility of the involved employee's component commander to have:
  - a. MNPDP Form 343, Remedial Training Request, completed and forwarded to the Director of the Training Division;
  - b. Ensure the employee successfully completes any recommended remedial training; and
  - c. Forward documentation of the employee's successful completion of the recommended remedial training to the Office of the Chief of Police for inclusion in the employee's Force Review Board file.
5. The Office of the Chief of Police shall maintain a file for all cases reviewed by the Force Review Board.
6. The Office of the Chief of Police shall cause the Director of the Training Division to be notified of the final results and approved dispositions of all force incidents reviewed by the Board. The Director shall review all incidents to identify training issues or needs.
7. If the Chief of Police makes a recommendation calling for action by a component of the department, that component's Deputy Chief shall be responsible to ensure that the proper follow-up action is taken.

That Deputy Chief shall provide a report to the Chief of Police detailing what action was taken.

8. The Chief of Police has the ultimate responsibility for reviewing use of force incidents.
- H. In addition to reports from Force Review Boards occurring throughout the year, the Chief of Police may schedule a Departmental Force Review Board annually. The core members shall review each use of deadly force and all cases reviewed by the Force Review Board for the purpose of identifying any potential patterns and/or systemic problems and to report their findings and recommendations to the Chief of Police.
  1. Core members of the annual Departmental Force Review Board shall include the Chief of Police, the Deputy Chiefs, the Director of the Training Division, the commanding employee of the Homicide Section, and a representative from the Office of Professional Accountability. Other persons may be present at the discretion of the Chief of Police.
  2. The Executive Officer of the Community Services Bureau will annually provide the Chief of Police and members of the Departmental Force Review Board with a use of force analysis to assist in identifying any potential patterns and/or systemic problems in regard to the department's use of force incidents.

## **Title 12: Department Information Systems**

### **12.10 Security and Disposition of Law Enforcement Records and Files**

#### **12.10.010 Purpose**

The purpose of this policy is to establish procedures for the security and release of MNPd records or files that may contain sensitive or confidential information.

#### **12.10.020 Definitions**

- A. **Closed Files:** Offense or other investigative files for which there is no further investigative or judicial action required or pending.
- B. **Law Enforcement Records and Files:** For purposes of this policy, includes any document in writing, stored or displayed on any electronic file, storage media, or method of preserving knowledge or information.

Such definition shall include, but not be limited to: reports, citations, notes, maps, graphs, charts, Automatic Resource Locator (ARL) records, correspondence, audio and video recordings, microfilm, electronic storage media such as diskettes, CDs, DVDs, or electronic files, photographs, fingerprint cards, history sheets, administrative records, training records, personnel and payroll files, budgetary and fiscal files or the contents of any computer database maintained by, or accessible to, the department or its members.

- C. **Public Information Request Log:** An electronic log maintained by the Public Records Officer of the Records Division detailing the release of records and files to the public. The log is maintained on an appropriate secure server managed by the Metropolitan Nashville Police Department.
- D. **Protected Files:** Files with restricted access including, but not limited to, juvenile records, selected offense records with pending charges such as rapes and narcotic offenses, fatality reports where the next of kin have not been notified or charges are pending, or ongoing internal investigations.

#### **12.10.030 General Provisions**

- A. It is the policy of the Metropolitan Police Department that no employee shall provide or divulge the contents or substance of any law

enforcement records and files to any other person or entity, by any means whatsoever, **unless**:

1. The employee is doing so in accordance with departmental policy and the S.O.P's of his/her work location concerning public records, closed files, and protected files as determined by the Records Division Public Records Officer; or
  2. The employee is doing so in conjunction with a criminal investigation, prosecution, or intelligence operation, and is providing such information to a federal, state, or local law enforcement agency or official for legitimate and legal purposes. *(Category C – AA, Violation of this provision varies by severity of offense)*
- B. At no time will an employee realize payment, profit, favor, or any personal gain whatsoever by providing the contents or substance of any law enforcement records and files to any other person or entity by any means whatsoever. *(Violation of this provision shall be a category A offense)*
- C. At no time will an employee release the content or substance of any law enforcement records and files to any other person or entity, by any means whatsoever, once such law enforcement records and files have become public records and may be legitimately purchased from the department or another government body. This provision shall not preclude the releasing of information or records in situations wherein such release may further or enhance an investigation, or is in the best interest of the department or the public at large as determined by appropriate supervisory personnel. *(Category C – AA, Violation of this provision varies by severity of offense)*
- D. Under the guidelines of TCA 37-1-154 “Juvenile law enforcement records and files shall not be open to public inspection or their contents disclosed to the public; but inspection of the records and files is permitted by:
1. A juvenile court having the child before it in any proceedings;
  2. Counsel for a party to the proceedings;
  3. The officers of public institutions or agencies to whom the child is committed;
  4. Law enforcement officers of other jurisdictions when necessary for the discharge of their official duties; and



5. A court in which such child is convicted of a criminal offense...officials of penal institutions...to which such child is committed or by a parole board in considering such child's parole..."
- E. Maintenance of juvenile files and the authorization of release for hardcopy and computer files is the responsibility of the Youth Services Division Commander. Fingerprint and photograph maintenance and release is the responsibility of the Identification Division Commander. For additional information regarding the release of juvenile records, personnel should seek guidance in the CID/Youth Services SOP.
- F. Employees shall ensure that all discarded departmental files are appropriately disposed of to ensure the contents of such files are not accessible to unauthorized parties (e.g. copies of arrest reports, mug shots, offense reports, worksheets, or any other departmental record that may contain sensitive or personal information of MNPD employees, victims, or suspects). *(Violation of this provision shall be a category C offense)*
  1. The preferred method of disposing of files listed above would be to shred the files utilizing a departmental shredder in a secure location, or deposit such files in a departmental receptacle designated for the purpose of secure disposal.
  2. Employees shall not utilize public trash cans, dumpsters or other receptacles that are accessible to unauthorized parties to dispose of departmental records or files.
- G. Voiding Citations

To void a paper version of a citation which has not been issued to an offender, officers shall write "Void" across all copies of the citation. This will ensure the citation is no longer valid or could be presumed valid.

1. Voided traffic citations, parking citations, and Metro Citations: submit the "court" copy to the Traffic Violations Bureau. If personal information is listed on the citation prior to being "voided", officers shall make every effort to obscure the information. All other copies shall be disposed by shredding the files utilizing a departmental shredder in a secure location, or deposit such files in a departmental receptacle designated for the purpose of secure disposal. Any damaged or non-usable traffic, parking, or Metro citations or books will be processed in the same manner.

2. Voided State Misdemeanor Citations: document the voiding, damage or non-usable State Misdemeanor Citation by MNPDP Form 104, as a Matter of Record, detailing the circumstances surrounding the non-use of the citation and the assigned citation control number and submit the MNPDP Form 104 via the established report submission process. The voided citation and all copies shall be disposed shredding the files utilizing a departmental shredder in a secure location, or deposit such files in a departmental receptacle designated for the purpose of secure disposal. Any damaged or non-usable State Misdemeanor Citations or books will be processed in the same manner.
- H. No employee shall access or utilize any information contained in any record or file unless it is in the performance of their assigned official duties as an employee of the MNPDP and they have been authorized by policy, procedure, or appropriate security clearance for such access.

#### **12.10.040 Records Security and Maintenance**

- A. The Chief of Police or designee may designate components other than the Records Division within the department to maintain original MNPDP field-reported records (e.g. original incident, arrest, supplement reports, etc.). The Records Manager maintains a log of components, other than the Records Division, who maintain MNPDP original reports. The Chief of Police or designee may alter this list contingent upon current need or for the best interests of the department.
- B. Any departmental element, other than the Records Division, maintaining original field-reported records, such as offense and supplemental reports, shall ensure a face sheet containing the original incident number and the location of the original record is sent to the Records Division.
- C. Any authorized departmental element maintaining original field-reported records shall be responsible for the security and maintenance of such records.
- D. Any personnel maintaining their own case files containing any copies of or original departmental records or files shall be responsible for the security and maintenance of such records. This would include ensuring that such files are not accessible to any persons or entities not authorized by current law or departmental procedure.

- E. Payroll and personnel records shall be maintained by the MNPDP Human Resources Division.
- F. Budgetary and departmental fiscal records shall be maintained by the MNPDP Office of Fiscal Affairs.
- G. The Records Division shall be responsible for security and maintenance of all original records not otherwise maintained in authorized elements listed above.
- H. Any release of records or files by the Records Division shall be in accordance with current departmental operating procedures and all applicable law.
- I. Original MNPDP records and files may be archived in accordance with current operating procedures of the MNPDP Records Division.
- J. No original MNPDP record or file may be destroyed unless properly authorized by Administrative or Judicial Expungement. *(Violation of this provision shall be a category B offense)*
- K. In all cases where a request is made for the release of departmental information or records to the public (including requests from the Media):
  - 1. An MNPDP Form 720, Request for Administrative Services Report shall be completed and forwarded to the Public Records Officer in the Records Division;
  - 2. The Public Records Officer shall log the request on the Public Information Request Log in accordance with current operating procedure of the Records Division; and
  - 3. If necessary, the Public Records Officer shall forward the request to the appropriate element of the department to obtain the requested records, and/or determine if the requested information is appropriate for release (e.g. ARL, personnel records).
  - 4. Once the requested records and/or appropriate release has been obtained, the requested records shall be forwarded to the Public Records Officer for release.
  - 5. A reasonable fee charged for the reproduction of requested data.

**12.10.050 ARL Data and Files**

- A. No member of the department shall release or divulge any ARL records without an approved MNPDP Form 720, Request for Administrative Services Report. Requests for departmental ARL records shall be made to the MNPDP Records Division. The Records Division shall forward the MNPDP Form 720 to the MNPDP Information and Technology Division, Police IT Quality Assurance Section for processing.
- B. Requests for ARL information and records shall be limited to a specific date and time or event.
- C. All requests for ARL records shall have the reason for the request clearly stated on the MNPDP Form 720, Request for Administrative Services.
- D. The Police IT Quality Assurance Section shall establish proper standard operating procedures for the release of ARL records to include, but not limited to, the following:
  - 1. Procedures to ensure that information released would not jeopardize any criminal or internal investigation,
  - 2. Procedures to ensure proper authorization is obtained from the District Attorney, when applicable,
  - 3. Procedures that outline the format in which requested ARL data will be supplied that ensures compliance with software licensing restrictions, and
  - 4. A reasonable fee charged for the reproduction of requested data in compliance with Metro Government procedures Mayors Executive Order 035.

**12.10.060 Mobile Data Computers (MDC's) and Laptop Computers**

- A. MNPDP personnel shall use due care and caution to ensure that restricted information, such as NCIC and CJIS information, that may be displayed on any MDC or laptop computer cannot be seen or accessed by non authorized persons.
- B. MNPDP personnel shall not leave restricted information visibly displayed on any laptop or MDC when they are away from their vehicle. Personnel shall lower the display screen, minimize the

display, and/or power the computer off, as appropriate, to ensure restricted information is not visible.

- C. Additionally, MNPd personnel shall not allow any person not authorized to view restricted information that may be seated or riding in any vehicle equipped with a MDC or laptop computer to view any restricted information displayed on the computer screen.

#### **12.10.070 Departmental Policies and Procedures**

- A. Current and rescinded departmental written directives, Standard Operating Procedures (SOPs), and Emergency Contingency Plans shall be maintained by the Strategic Development Division.
- B. All requests for departmental written directives, SOPs, and Contingency Plans shall be forwarded to the Strategic Development Division for processing.
- C. Departmental Emergency Contingency Plans are “police sensitive documents” and shall not be released without proper approval of the Chief of Police.
- D. All departmental elements shall review and update any departmental SOP(s) annually at a minimum. Any updated SOPs shall be forwarded immediately to the Strategic Development Division.

#### **12.10.080 Fees**

Applicable fees charged for the reproduction of requested information are authorized by The Code of the Metropolitan Government of Nashville and Davidson County, Tennessee § 2.44.080.

## **12.20 Media Relations**

### **12.20.010 Introduction**

The Metropolitan Nashville Police Department recognizes that a spirit of openness is an essential component in fostering the trust and support of the community it serves. Realizing that the mass media is the primary vehicle through which the public is informed of police matters, this organization is committed to allowing the dissemination of information to the community through the media regarding criminal and official administrative proceedings of the department. However, such information flow must not infringe upon the constitutional rights of any individual or jeopardize the prosecution of any criminal case.

### **12.20.020 Public Information Function**

The Public Affairs Manager is the primary Public Information Officer (PIO) for the department. The PIO will be available for media interviews when necessary; however, when possible, an effort will be made to make available the actual investigating officer(s) or his/her supervisor to respond to media representatives. In most instances, members of the department may respond directly to general media inquiries. Should the member need guidance or is uncomfortable dealing with the inquiry, the PIO may be contacted. There is no prohibition against members of the department speaking with media representatives, so long as department guidelines are observed. All police department members should be familiar with the guidelines governing what information can be released.

### **12.20.030 Notification of Public Affairs Manager**

The Public Affairs Manager should be notified of the following incidents:

- A. Multiple homicides
- B. Officer involved shootings;
- C. Officer severely injured;
- D. Business robbery resulting in a homicide;
- E. Serial rapist arrest;
- F. Bank robberies with shots fired or injuries;
- G. High profile arrests (e.g., entertainers, politicians, athletes, etc.);  
or
- H. When any contingency plan ("signal 1") is in effect.

#### **12.20.040 Release of Information**

- A. News media shall receive information at the scenes of major incidents from the department PIO, or, in his absence, from the primary investigative component or the person designated by the Incident Commander to serve in the public information function.
- B. Requests for information from Police Department files may be handled by:
  - 1. The department PIO or Personnel Division supervisor when personnel information is requested; or
  - 2. The department PIO or Records Division supervisor when traffic crash reports are requested; or
  - 3. The department PIO, case officer, or supervisor when information is requested about active cases. Files regarding active ongoing investigations are not public record.
- C. In criminal matters, the department PIO or member of the department directly involved with the case or the appropriate supervisor may release information so long as the information released conforms to departmental guidelines.

In disseminating information about criminal matters, department members should seek to strike a balance between the public's right to know, the First Amendment guarantee of a free press and the defendant's Sixth Amendment right to a fair trial free of public pressure and a biased jury.

- D. Substantive inquiries regarding administrative, internal investigations, or internal policy matters should be referred to the department PIO or the person designated by the Chief of Police.

#### **12.20.050 Media Credentials**

At certain scenes, the Metropolitan Nashville Police Department may deem it necessary to request the identifications/credentials of media representatives. The credentials may facilitate quicker access to scenes over which the police department has primary responsibility. Media representatives shall be required to obey all police lines and directives, and conduct themselves in a professional manner. A member of the department who believes that a member of the media has failed to follow these guidelines should document the matter and forward it to the PIO.

### **12.20.060 Crime Scene Perimeters**

Official, authorized media representatives shall be allowed to come within a reasonable distance of crime scenes or major catastrophic events so long as the media presence does not interfere with any law enforcement or rescue operation/function. Media representatives shall be required to obey police lines and not cross them. In situations with an extreme outer perimeter, media representatives may be allowed, with proper approval/escort, to pass beyond the outer perimeter into a controlled area. Media representatives shall be required to adhere to all directives of police personnel at the scene, or they shall be escorted back to a location outside the crime scene perimeter.

**NOTE:** Media representatives shall, at a minimum, be granted the same unrestricted access to an area as that given to members of the general public. It is not proper to restrict media from passing beyond a certain point while, at the same time, granting access to members of the general public.

### **12.20.070 Guidelines**

A. In criminal matters, the following information may be publicly released:

1. Adults: The accused individual's name, age, sex, residence, employment, marital status, and any similar biographical information.
2. Juveniles: The name, age and address of a juvenile between the ages of 14 and 17 who is charged with the following offenses may be publicly released: first-degree murder, second-degree murder, rape, aggravated rape, aggravated robbery, especially aggravated robbery, kidnapping, aggravated kidnapping or especially aggravated kidnapping.

The name and address of a juvenile charged with any other offense shall not be publicly released, nor shall a juvenile's prior criminal history.

However, in the course of an investigation, the police department, by standing order of the Juvenile Court of Davidson County, may release certain specific information, including photographs, regarding an at-large, violent juvenile offender who is deemed to pose a danger to the citizens of Nashville. Generally, such juvenile should be named in an outstanding Juvenile Court petition charging homicide, aggravated assault, aggravated robbery or aggravated



rape. The department's statement about the juvenile should generally contain no information about his/her prior criminal history, the accused individual's name, age, sex, residence, employment, marital status, or any similar biographical information.

**NOTE:** The name and address of a juvenile charged with a criminal offense, other than those listed in #2 above, may not be released to the media. Information about any prior juvenile criminal history or other information contained in a juvenile's history file shall not be released.

3. The substance or text of the charge.
4. The identity of the arresting/investigating division or agency and length of the investigation.
5. The circumstances immediately surrounding the arrest, including the time and place of arrest, residence, pursuit, possession and use of weapons, and a description of items seized at the time of arrest.
6. The name, address, age, and sex of most victims, so long as it is deemed the disclosure does not put the victim at further risk of harm.

**B. Sex Offenses**

**VICTIMS OF SEX OFFENSES AND CHILD PHYSICAL & SEXUAL ABUSE ARE SPECIFICALLY EXCLUDED FROM PROVISIONS OUTLINED IN "A" ABOVE.**

1. In the case of adult sex offenses, only the age and sex of the victim, along with the general location of the incident, may be released.
2. In cases of child physical and sexual abuse, no information should be released regarding the person or entity reporting the alleged abuse.
3. No specific information should be released about an alleged child abuse perpetrator until an investigation has been conducted by the appropriate police department component, an arrest has been made, public safety mandates that the community be warned about an at-large suspect, or the public's assistance is needed in apprehending the suspect.

4. Upon arrest, a representative of the Sex Crimes Section and/or the PIO may release appropriate information about child physical and sexual abuse cases such as the type of force used against the victim and the extent of the injuries to both the victim and the assailant.

**C. Prior Histories, Statements, and Examination Results**

1. Members of the department shall not disclose to the media an arrest or conviction that has been expunged; however, pending criminal charges against a suspect may be disclosed. Members of the department should not make any comment about the character or reputation of the accused.
2. Members of the department may disclose to the media whether a suspect has given a statement, but may not disclose the specifics of the statement except to the extent the specifics are revealed in public records (e.g., department originated warrants, affidavits and indictments on cases the department is investigating, etc.). Department personnel may discuss with the media specific information contained in public records.
3. The results of any examinations or tests conducted on the accused (CVSA, polygraph, etc.), or the refusal by the accused to submit to any examinations or tests shall not be disclosed except only to the extent that the examinations or tests are disclosed in public records (e.g., warrants, indictments, affidavits).

**D. Witnesses**

The identity of any prospective witnesses shall, in most instances, not be disclosed to the media. The credibility or anticipated testimony of prospective witnesses shall not be disclosed.

**E. Suicides**

The specific content of suicide notes shall not be immediately released. However, suicide notes in the police department's possession at the conclusion of an investigation are a part of the public record.

**F. Opinions**

1. Department personnel shall not give opinions to the media regarding guilt or innocence of the accused.

2. Department personnel shall not give opinions to the media regarding the specific merits of a criminal case or the specific quality of evidence gathered.
- G. A member of the department shall not prevent the photographing of any criminal defendants while they are in public places.

**NOTE:** While a member of the department will neither encourage nor discourage photographs, he must not pose the accused.

This section does not preclude a member of the department from masking a defendant's face if it is deemed crucial to preserve the integrity of a future line-up.

- H. In situations involving the death or serious injury of a victim, the identity of the victim shall not be disclosed until the next of kin has been notified. Department personnel will refrain from releasing the identity of the victim until the department chaplain or other assigned department member confirms that the next of kin has been notified. (If the next of kin has not been located after a "reasonable" length of time, as determined by department personnel, the identity of the victim may be released.)

#### **12.20.080 Interagency Cooperation**

In situations where the Metropolitan Nashville Police Department deals with an incident involving the Fire Department or other local agency, the agency with primary jurisdiction over the incident will respond to media inquiries. In cases of inquiries about areas of special expertise, the agency with that expertise will respond.

Department personnel shall not disclose to the media information received from other law enforcement agencies unless those agencies have concurred in releasing the information.

#### **12.20.090 Release of Mug Shots, Dissemination of Identification Records**

##### **A. Releasing Mug Shots to Media Representatives**

1. Mug shots of arrested individuals fall within the Tennessee Open Records Act and should be released **UNLESS** (a) the arrest for which the photograph was made has been expunged; or (b) the release of a photograph would jeopardize an on-going investigation. The Public Information Officer shall have the authority to grant release requests.

2. When a request is made to the PIO for a mug shot involving an active, on-going case, the PIO will ascertain from other department personnel whether there is any reason why the requested material should not be released.
3. Generally, day-to-day requests from media representatives for mug shots should come through the department's Public Information Office; however, officers/detectives personally involved in a case/investigation, or the supervision thereof, may disseminate mug shots as appropriate, **SO LONG AS THE MUG SHOT WAS NOT MADE IN CONNECTION WITH AN ARREST THAT HAS SINCE BEEN EXPUNGED.**
4. From time to time, particularly after business hours, members of the Identification Section may be requested by the PIO to print a photograph and make it available to members of the media. In these situations, the Identification Section supervisor, or person in charge, should always be notified before mug shots are released. When the release is approved:
  - a. Fill out an **MNPD** Form 720, "Request for Administrative Service," completely;
  - b. Have the person receiving the mug shot sign the above form in the appropriate place; and
  - c. Forward the completed form to the Identification Division Commander.

**B. Releasing Photos of Personnel to News Media**

1. The PIO, as a representative of the Chief of Police, shall have the authority to grant the release of department personnel photos, which are subject to disclosure under the Open Records Act, provided, however, that the requested photograph does not depict an officer currently working in an undercover capacity.
2. When members of the media come to the Identification Section window without prior authorization, they should be referred to the sergeant or officer in charge, who will make the determination as to whether the photograph can be released.

## **12.30 Management and Utilization of Automated Systems**

### **12.30.010 Purpose**

While the department encourages and supports employee use of computer systems as a means of improving productivity, certain restrictions are necessary to avoid improprieties, ensure that established standards are met, and maintain appropriate security of computerized data and equipment. A fundamental restriction relates to the policy that department computer systems are to be used for official business purposes only.

The department may find it necessary to access and disclose information from computer and network users' accounts to the extent required by law, to uphold contractual obligations or other applicable government policies, or to diagnose and correct technical problems. For this reason, the ultimate privacy of messages and files cannot be ensured. In addition, system failures may lead to loss of data, so users should not assume that their messages and files are secure. The department reserves the right to limit access to its networks or to remove material stored or posted on its computers when applicable departmental policies, contractual obligations, or state or federal laws are violated.

### **12.30.020 Definitions**

For the purposes of the procedures in this directive, the following definitions shall apply:

- A. **800MHz radio data wireless communications:** A form of wireless communication that connects computing devices to the mobile data computer message switch via Metro Government's 800MHz radio system. Due to the limited bandwidth available on the 800MHz system, MNPd has moved all data communications to cellular LTE based wireless networks.
- B. **Aircard** – A form of wireless communication that connects computing devices to the MNPd computer network via a cellular 3G/4G data network service. The cellular network is owned privately and airtime is purchased from private companies for use by authorized MNPd devices.
- C. **Application:** The system, process or problem to which a computer, program or software is applied.
- D. **Authorized user:** An individual sanctioned by the department, through MNPd Information Technology Division to utilize department

computers. An individual may be sanctioned by the very nature of their training or assignment.

- E. **Chain email:** An email directing the recipient to send out multiple copies of the email so that its circulation increases in a geometric progression as long as the instructions are carried out. These chain emails frequently focus on dire warnings about devastating new viruses, messages about free money, children in trouble, and other items designed to forward the message to everyone you know (or at least 10 people).
- F. **Data file:** Collections of data accumulated for a definite use. Examples include word processing documents, spreadsheets, databases, etc.
- G. **Electronic mail (Email):** Electronic messages sent from one person via computer to another.
  - 1. Departmental Email: Electronic messaging sent from one department to another department.
  - 2. Internet Email: Electronic messaging sent from one person via the Internet to another.
  - 3. Attachments: Electronic files that can be sent with departmental or Internet email.
- H. **Hardware:** The electric, electronic, and mechanical equipment used to gather, process, and communicate data. Examples include the central processing unit, keyboard, monitor, printer, digital camera, handheld devices, flash cards, etc.
- I. **Electronic Signature:** The use of an electronic device to imprint or attach a signature to an electronic form, report, or other document. Such signature may be printed or digitally stored. The form of such signature may be in the electronic capture of an actual signature or the electronic affixation of a signature or employee number with the intention to authenticate a writing, record, or report.
- J. **Log-in (Log-on) access:** Access to applications, files, peripherals and department computer using assigned user names and passwords for security purposes.
- K. **Mobile Data Computer:** A laptop computer designed for use in a vehicle. The method of communications with the mobile data computer message switch is by a wireless connection.

- L. **Network:** A system of interconnected computers that allows the sharing of files, software, printers, or peripheral equipment. Related items include but are not limited to:
1. VPN Access: The ability to access computers and files attached to a police local area network through security software installed on a computer using a non-MNPD network, typically from a wireless or public internet network.
  2. Internet: The global system of networked computers around the world.
  3. Local area network (LAN): A group of computers and associated devices connected together that have the ability to share applications, data files, and peripheral devices.
  4. Wide area network (WAN) – The interconnection of several local area networks by linking them with backbone connections.
  5. Wireless: The ability to connect and send/receive information wirelessly (i.e., cellular phone system, cellular digital packet data (aircard), 800MHz radio data network, or other means).
- M. **Program:** A unique set of instructions, created by MNPD Information Technology personnel or by consultants that tell the computer how to perform a function or series of functions.
- N. **Software:** A set of programs that tell the computer how to perform a function or series of functions, usually created by commercial firms for sale and general use in specific types of applications.
- O. **Remote Assistance Access:** A feature of the Windows operating system that allows screen, keyboard, and mouse sharing so that a computer user can be assisted by a remote technician. To initiate a Remote Assistance session, the user has to physically create and send the remote technician a “Remote Assistance invitation”. Before the remote technician can see or control the computer’s desktop, the user must also physically click a popup dialog box on the computer to allow this access. At which time both the user on site and the remote technician can view or control the computer simultaneously.
- P. **Remote Desktop Access:** A feature of the Windows operating system that allows a user to remotely login to a computer from a different location on the network. The remote user does not need any physical interaction from a local user at the local computer to connect. At the time of a Remote Desktop connection, the local user login will automatically logoff the computer, and no sharing of screen display, keyboard, or mouse will occur.

- Q. **Removable Media:** storage media which is designed to be removed from the computer without powering the computer off. This includes, but is not limited to, DVDs, CDs, memory cards, floppy disks, zip disks, tapes, USB flash drives, external hard disk drives.
- R. **Sensitive Information:** any information classified as "Confidential" or "Restrictive" as defined by the Metropolitan Government Information Classification Policy.
- S. **Social Media:** a term that encompasses weblogs (blogs) as well other online channels (chat rooms, message boards, forums, podcasts, wiki, MySpace, Facebook, Twitter, etc.). Social media is in principle similar to other media in the sense that it places statements about the Metro Police Department or Metropolitan Government of Nashville on/in the public record.
- T. **Software licensing:** Software that is legally licensed and is installed so that it complies with the associated license. Software purchased for one computer often cannot be legally installed on any other computer because the original license allows only one installation per license.
- U. **Template:** A stored pattern of instructions or macros, developed in software, for performing the same repetitive process on different sets of data.
- V. **Unauthorized software:** Any software that has not been approved by the MNPD Information Technology Director or designated representative. This includes any software not required for job related duties.
- W. **NCIC Information:** National Criminal Information Center. NCIC is the United States' central database for tracking crime-related information. The NCIC is maintained by the Federal Bureau of Investigation's Criminal Justice Information Services Division, and is interlinked with similar systems that each state maintains. NCIC is a computerized index of criminal justice information (i.e. criminal record history information, fugitives, stolen properties, missing persons). Data is received from federal law enforcement agencies, state and local law enforcement agencies, as well as tribal law enforcement agencies, railroad police, and non-law enforcement agencies, such as state and federal motor vehicle and licensing authorities. NCIC is available to Federal, state, and local law enforcement and other criminal justice agencies and is operational 24 hours a day, 365 days a year.



- X. **ARMS Information:** Advanced Records Management System. ARMS is MNPD's Law Enforcement application that consists of Automated Field Reporting, Mug Shots, Records Management, Crime Mapping, and NCIC message switch. Access to any part of ARMS must adhere to all CJIS Security Policy restrictions as well as this directive.
- Y. **CJI Information:** Criminal Justice Information (CJI) is defined as any information derived from the ARMS or NCIC systems.

#### **12.30.040 Information Technology Security Policies**

##### **A. Metropolitan Government Information Security Policies**

The Mayor has established the Metropolitan Government's Information Security Management Policy (ISM Policy), through Executive Order 038, to address the protection of Metropolitan Government information and information systems from unauthorized access, use, disclosure, disruption, modification, or destruction. The ISM is a group of Metro Policies to protect the confidentiality, integrity, and availability of data. Among the Policies that MNPD users should be familiar are the Metropolitan Government Acceptable Use of Information Technology Assets Policy, and the Teleworking and Mobile Computing Policy. A full listing of other Metro Government Information Security Policies and supporting documents can be found on the Metro Intranet website at <http://im.nashville.org/ism/policies>.

##### **B. MNPD General Network Usage**

To assist in employees' duties, the department provides an information systems network to employees. Access to the network and computer systems imposes certain responsibilities and obligations and is granted subject to department policies and local, state and federal laws. Appropriate use should always be legal, ethical, reflect department standards and show restraint in the use of shared resources.

1. Users are prohibited from attempting to circumvent or subvert any system security measures.
2. Although each user may have an individual account for access, the system and any data it contains belong to the department. Each user is given access rights to particular files and software applications. Department management reserves the right to inspect all files stored on our network in order to assure compliance with these policies. This includes any private, semi-private and public areas of the network, individual computer storage areas, and any

other department-owned diskettes, backup tapes and other storage media.

3. No software may be installed, downloaded, copied or used on department computers without the permission of the user's chain of command and the MNPDP Information Technology Director. Any such requests shall be made through the use of MNPDP Form 209A, Computer Hardware, Software, and Service Request Form. All software must be properly licensed and all license provisions (installation, use, copying, number of simultaneous users, term of license, etc.) must be strictly adhered to. As a result, individual users may not install software brought from home or any other source. User-installed screen savers are not allowed. The screen savers already provided by the windows operating system are approved for use on departmental computers. To the extent that these windows screen savers are user configurable, any images or messages used must not be visually offensive. In all circumstances, the MNPDP Information Technology Director, or their designee, will determine if any software meets the department's licensing requirements. Non-standard hardware or software, discovered during routine maintenance operations, will be reported to the immediate supervisor of the user. Equipment identified as containing non-standard software or hardware may be examined by MNPDP Information and Technology personnel to ensure its removal. Supervisors or employees observing unauthorized software on departmental computers shall report it to MNPDP Information and Technology for review and shall request removal of the software on MNPDP Form 209A, Computer Hardware, Software, and Service Request Form. Employees using unauthorized software on department computers may be subject to disciplinary action.
4. Users are not allowed to install or play games on any department-owned computer system. Employees doing so may be subject to disciplinary action.
5. Department-owned software is not to be taken home by employees, unless it is approved by MNPDP Information Technology and licensing specifically allows for employee use at home.
6. The display of any kind of sexually explicit image or document on any department system is a violation of our policy on sexual harassment. In addition, sexually explicit material may not be archived, stored, distributed, edited or recorded using our network or computing resources.

7. The department's computer systems shall not be used, under any circumstance, to libel, slander or harass another person, as defined elsewhere in department policies.
8. MNPDP Information Technology and/or Metro ITS personnel may access the files of others for the maintenance of networks and computer and storage systems, such as to create backup copies of media.
9. Users should regularly review personal and departmental files, deleting any files that are no longer necessary on assigned network storage locations and local computer hard drives. Network storage space involves a significant financial investment to the department, and as such, file space must be regularly reclaimed to make space available to other users and projects. Files stored over a reasonable time, as determined by MNPDP Information Technology Director, may be automatically archived and deleted. Disk space storage limits shall be used to efficiently allocate available disk resources.

#### 10. Installation of Software and Hardware

Improper installation of software or hardware can damage a computer system or cause it to malfunction. Consequently, all software and hardware is to be installed only by MNPDP Information Technology and/or Metro ITS personnel.

#### 11. Relocation of Computer Systems

Any moving, relocating, or rearranging of computer hardware shall be approved and coordinated with MNPDP Information and Technology through the use of MNPDP Form 209A, Computer Hardware, Software, and Service Request Form. Approval **MUST** be obtained **PRIOR** to any movement of Desktop or Laptop computers.

#### 12. Ownership and Confidentiality

All software, programs, applications, templates, data, and data files residing on department computer systems or storage media or developed on departmental computer systems are the property of the Metropolitan Government. The city retains the right to access, copy, change, alter, modify, destroy, delete or erase this property. Computer data files containing confidential or sensitive data should be treated accordingly and should not be removed from the workplace without proper authorization.

### 13. Use of Employee Computers to Work on Department Data Files

Only MNPD Information Technology issued or authorized computers are allowed to connect remotely to MNPD computer systems. Employees are not allowed to use their personal computers on the MNPD Network. Employees can access departmental email remotely through Outlook Web Access using their personal computers, as long as they are not attached directly to the MNPD network, and it is approved and coordinated with MNPD Information and Technology through the use of MNPD Form 209A, Computer Hardware, Software, and Service Request Form . Employees who wish to work from home using their department issued laptop/computer must submit a VPN Request Form to MNPD Information Technology.

#### C. Network Security

As a user of the network, you may be allowed to access other networks (and/or the computer systems attached to those networks). Therefore:

1. Use of systems and/or networks in attempts to gain unauthorized access to remote/local systems is prohibited.
2. Use of systems and/or networks to connect to other systems, in evasion of the physical limitations of the remote/local system, is prohibited.
3. Decryption of system or user passwords is prohibited.
4. The copying of copyrighted materials, such as third-party software, without the express written permission of the owner or the proper license, is prohibited.
5. Any unauthorized activity that results in corrupted or disabled network systems or programs are punishable disciplinary offenses.
6. Any attempts to secure a higher level of privilege on network systems are punishable disciplinary offenses.
7. The introduction of computer "viruses" or disruptive/destructive programs into the department's network or into external networks is prohibited.

8. Apple iPad/iPhone Policy: Apple iPad tablets and iPhones run a proprietary Apple operating system and application framework which are not supported on Metro Government networks. These devices cannot be administered and secured by Metro Government using deployed enterprise device/network management systems. Metro ITS and Police IT are researching the best approach to implement a management and security system to mitigate the risks of foreign devices accessing Metro information and networks. Until that solution has been tested and implemented, iPad and iPhone devices should not be used to store and transmit Criminal Justice Information (CJI).
  - a. Access to MNPd email from an iPad/iPhone must be requested and approved through the Form 209A process.
  - b. For any mobile device (iPad, iPhone, Smartphone, etc.) which accesses MNPd email, Police IT/Metro ITS will implement ActiveSync connection settings that will require the use of a six (6) digit PIN to access the device.
  - c. User must report a lost or stolen iPad/iPhone immediately to Police IT so that access is disabled and a remote wipe command can be pushed down to the device to protect any residual sensitive information that may be contained in email files on the device.
  - d. iPad/iPhones should not be connected to MNPd WiFi networks.
  - e. No Criminal Justice Information (CJI) may be stored on iPads/iPhones.

#### D. MNPd Email Usage Policy

The department's email system is provided to help employees communicate with each other, citizens, service providers, and other agencies. Email users should adhere to all department standards of decency and should not abuse the resources that are available to them.

1. All email messages are department records. The contents of any email message may be disclosed within the department to management without your permission and without your knowledge. Therefore, you should not assume that email messages are confidential. The department maintains a policy of backing up and maintaining data files and email messages, so this applies even to messages and files that you have deleted. Deleting an email message or a file does not guarantee that it has been erased from the system.

2. Because the department provides the electronic mail system to assist you in the performance of your job, you should use it for appropriate government business. Your messages can be accessed by management without prior notice, you should not use email to transmit any message you would not want read by a third party.
3. Forwarding chain email is a violation of department computing policy. Chain letters are an unnecessary waste of resources and should be ignored and deleted. Chain email of any sort will not be tolerated on department systems.
4. Users should regularly review and discard messages that are no longer needed. This includes any items in user's personal folders, Sent Items and Inbox. Mailbox storage size limits will be used on user mailboxes to efficiently allocate available disk resources. For information concerning how to backup emails from your mailbox/inbox to your home folder, please contact the Metro ITS Help Desk.
5. Whenever you send electronic mail, your name, userid, and department name are included in each mail message. You are responsible for all electronic mail originating from your userid. Therefore:
  - a. Forgery (or attempted forgery) of electronic mail messages is prohibited.
  - b. Attempts to read, delete, copy, or modify the electronic mail of other users are prohibited.
  - c. Attempts to send harassing, obscene and/or other threatening email to another user are prohibited.
  - d. Attempts to send unsolicited junk mail; "for-profit" messages or chain letters are prohibited.
  - e. Attempts to send political statements, solicitation, gain favors, intimidate, or to otherwise misuse authority are prohibited.
6. Employees with department email accounts, who are assigned a department computer, are required to check for new messages each day they report to work. Employees with department email accounts, who do not have daily access to a department computer, will check for new messages no less than once during their workweek.
7. If an email account is no longer used (due to change in assignment, computer availability, etc.) the affected employee's immediate

supervisor will notify the Metro ITS Help Desk so the users name can be removed from the email system.

8. Electronic Bulletin Boards provided as part of the department's email system is for the sharing of pertinent information as defined below. In general, postings to public folders are under the same appropriate use requirements as email messages. Personal opinions or politic messages are not authorized or allowed for any public folder.
  - a. The "Police - Bulletin Board" is for police-related matters which needs dissemination to all police personnel.
  - b. The "Police - Community Board" is to make information widely known but not necessarily related to employment or MNPd.
  - c. All other Police Public Folders shall contain subject matter information as defined by the name of the public folder.

#### E. MNPd Procedures

The intent of these procedures is to ensure that use of the department's network is consistent with the best interests of the department. These procedures do not attempt to articulate all required or proscribed behavior by users, but merely cover the most conspicuous examples.

1. Department provided information resources shall not be used for any inappropriate use. Examples of inappropriate uses include (but are not limited to):
  - a. Seeking to gain or gaining information for inappropriate purposes or unauthorized access to proprietary information.
  - b. Seeking access to passwords belonging to other users.
  - c. Infringing on third party copyrights or other intellectual property rights, license agreements or other contracts; for example, illegally installing or making available copyrighted software.
  - d. Inappropriate copying, modifying, distributing, transmitting or displaying files or other data or information resources.
  - e. Processing, distributing, transmitting, or displaying inappropriate stored electronic media, obscene, libelous or defamatory material, or files dangerous to the integrity of the department's network.
  - f. Using the department's network or knowingly allowing another to use the network for personal profit, personal business, commercial product advertisement, or partisan political purposes.

2. Access rights changes and changes to system functionality shall be requested through the chain of command up to at least Captain/Commander level. Upon approval of the chain of command, the request shall then be forwarded to the MNPD Information Technology Director or designee for processing.

#### F. MNPD Internet Usage

The department provides access to the vast information resources of the Internet to help you do your job faster and smarter, and be a well-informed employee. Internet access for the department is a business tool, provided to you at significant cost. The department expects you to use the Internet for business related purposes, i.e., to communicate with citizens and service providers, to research relevant topics and obtain useful business information. All existing department policies apply to your conduct on the Internet.

1. While Internet-based email will be provided for all employees, certain Internet services may be granted to only those employees who demonstrate a legitimate business need. The ability to surf the web and engage in other Internet activities is not a fringe benefit to which all employees are entitled. If an employee does not have sufficient Internet access, but needs such access for a particular project, he or she can request temporary access from the MNPD Information Technology Director on MNPD Form 209A, Computer Hardware, Software, and Service Request Form.
2. Unnecessary or unauthorized Internet usage causes network and server congestion. It slows other users, takes away from work time, consumes supplies and ties up printers and other shared resources. Unlawful or unauthorized Internet usage may also garner negative publicity for the department and expose the Metropolitan Government to significant legal liabilities.
3. The chats, newsgroups and email of the Internet give each individual Internet user immense and unprecedented reaches to propagate company messages and tell our business story. Because of that power, we must take special care to maintain the clarity, consistency and integrity of the department's image and posture. Anything any one employee writes in the course of acting for the company on the Internet can be taken as representing the company's corporate posture. That is why we expect you to forgo a measure of your individual freedom when you participate in chats or newsgroups.



4. The department has software in place that monitors and records all Internet usage. We want you to be aware that our security systems record (for each and every user) each World Wide Web site visit, each chat, newsgroup or email message, and each file transfer into and out of our internal networks. No employee should have any expectation of privacy as to his or her Internet usage. MNPDP Information and Technology personnel will review Internet activity and analyze usage patterns, and they may choose to report this data to assure that department Internet resources are devoted to maintaining the highest levels of productivity.
5. Requests from supervisors for an employee's Internet Web activity report shall be requested through the employee's chain of command up to at least Captain/Commander level. Upon approval of the chain of command, the request shall then be forwarded to the MNPDP Information Technology Director or designee for processing.

#### **12.30.050 Acquisition of Computer Hardware and Software**

It is the policy of the department to maximize the cost effective use of computer systems as a means of improving productivity. To ensure hardware/software compatibility and reliability and allow for provision of appropriate user support, all computer hardware and software will meet uniform standards established by the MNPDP Information Technology Division. Adherence to these standards will be accomplished by having all computer related acquisitions coordinated through the MNPDP Information Technology Division

##### **A. Responsibility**

1. Users are responsible for coordinating, through the MNPDP Information Technology Division, all acquisitions of computer related hardware, software, and services. This includes demonstration hardware and software used for evaluation purposes as well as products acquired for ongoing use.
2. MNPDP Information Technology is responsible for maintaining department-wide computer standards and for evaluating and recommending computer related hardware, software, and services that cost effectively satisfies user needs. Accordingly, the MNPDP Information Technology Director, in conjunction with Metro ITS is responsible for the requisitioning, receipt, assembly, installation, setup, and maintenance of all department computer hardware and software.

- B. A user wishing to purchase computer hardware or software should consult the MNPDP Information Technology Division early in the

planning process. The MNPD Information Technology Division personnel will assist in assessing hardware/software requirements and in estimating costs. Unless an exception can be justified by user requirements, hardware and software will comply with Metro ITS standard configurations. The user will assure that the MNPD Information Technology Division is aware of the requests in time to be included in the next department's budget and capital needs fiscal planning process.

- C. Acting on behalf of the user, the MNPD Information Technology Division personnel will initiate requisitions for computer systems, hardware, software, and services. Such requisitions received by Fiscal Affairs, which originated from the user will be returned to the user with instructions to complete an MNPD Form 209A, Computer Hardware, Software, and Service Request Form.
- D. All computer hardware and software will be shipped to the attention of the MNPD Information Technology Division, or in some cases directly to Metro ITS. Only authorized MNPD Information Technology Division personnel will be allowed to receive such shipments from Police Central Supply. MNPD Information Technology division staff and/or Metro ITS assigned staff will perform necessary tests, install software, setup the system and specialized furniture, and provide user instruction.
- E. Purchases Procedures
  - 1. To purchase new software or hardware, the requesting component must submit a written request, to their bureau commander, through the chain of command, regardless of funding source. This request shall be made on MNPD Form 209A, Computer Hardware, Software, and Service Request Form. The bureau commander will forward the request to the MNPD Information Technology Director or designee. A written justification for the equipment or software shall be made on this form and include:
    - a. A needs analysis;
    - b. A statement of how the equipment will benefit the department;  
and
    - c. The training requirements if the equipment is approved.
  - 2. The MNPD Information Technology Director or designee will have thirty days from the date of receipt to respond to the requesting component and the bureau commander, detailing whether the request is consistent with departmental standards and objectives.

3. With all the information and recommendations provided, the bureau commander will approve or deny the request, and will inform the requesting component and the MNPDP Information Technology Director.
4. If the request is approved, the MNPDP Information Technology Director or designee will forward a copy of the approved MNPDP Form 209A, Computer Hardware, Software, and Service Request Form with MNPDP Form 184, Request for Procurement of Goods and Services to Fiscal Affairs, and it will be processed in accordance with current department policy regarding purchases.
5. If the request is denied, MNPDP Form 209A, Computer Hardware, Software, and Service Request Form shall be returned from the bureau commander to the requesting component detailing the reason(s).
6. When hardware or software is purchased through a grant, issuing of these items will be subject to the grant provisions. However, plans to purchase of this nature must follow the purchasing procedures outlined above.

**F. Installation/Removal/Modification/Move of Software or Hardware**

1. To request the installation, removal, modification or move of any software or hardware, the requesting component personnel must submit a written request, to their bureau commander, through the chain of command. This request shall be made on MNPDP Form 209A, Computer Hardware, Software, and Service Request Form. The MNPDP Information Technology Director or designee will review the request to establish:
  - a. Compatibility with the existing hardware;
  - b. Compatibility with the existing software;
  - c. Compliance with software licensing agreements;
  - d. Proper registration;
  - e. Cost and available funding;
  - f. Additional requirements needed to fulfill the request; and
  - g. Proper (re) allocation of department Information and Technology resources.
  - h. Compliance with MNPDP Policies, State/Federal Laws and any internal Standard Operating Procedures.
2. The MNPDP Information Technology Director or designee shall respond to the requesting component and the bureau commander, detailing whether the request is consistent with departmental standards and objectives.

3. With the information and recommendations provided, the bureau commander will approve or deny the request, and will inform the requesting component and the MNPD Information Technology Director.
4. If the request is approved, the installation, removal, or move will be scheduled by the MNPD Information Technology Director and/or Metro ITS where appropriate.
5. No software or hardware will be installed, upgraded or removed from any department computer without the approval of the MNPD Information Technology Director or a designated representative.
6. No personal computer or any other equipment may be connected to the department network, in any manner, without the approval of the MNPD Information Technology Director or a designated representative. Only personnel authorized by the MNPD Information Technology Director or designated representative shall install approved equipment.
7. If the request involves the moving of computer hardware from one component to another, MNPD Information Technology will complete MNPD Form 111, Fixed Asset Disposition Change Request Form, and secure both component commanders signature on the form. MNPD Information Technology will forward the completed MNPD Form 111, Fixed Asset Disposition Change Request Form, to the Inventory Management Section.

**G. Acquisition through Metro Government Surplus/Confiscation/Donation**

1. Only the MNPD Information Technology Director or designee will pick up computers or peripherals from Metro Government Surplus Property.
2. If it is reported that there is computer hardware at Metro Government Surplus Property, the MNPD Information Technology Director or designee may evaluate the usability of the equipment. If the computer hardware is found to be an asset to the department, MNPD Information and Technology will recondition or otherwise prepare the equipment for use within the department, and deploy based on any outstanding requests on MNPD Form 209A, Computer Hardware, Software, and Service Request Form.
3. Confiscated computer hardware cannot be accepted within the department without inspection and approval from the MNPD

Information Technology Director or designee. Upon approval, MNPD Information Technology and/or Metro ITS will recondition or otherwise prepare the equipment for use within the department, and deploy based on any outstanding requests on MNPD Form 209A, Computer Hardware, Software, and Service Request Form.

4. Donated computer hardware, software, or services cannot be accepted within the department without inspection and approval from the MNPD Information Technology Director or designee. The component will involve MNPD Information Technology as early in the planning process as possible. MNPD Information Technology will assist in assessing needs, and report any additional requirements needed for successful implementation with cost estimates. If the donated hardware, software, or services are not targeted for a certain component, MNPD Information Technology will deploy based on any outstanding requests on MNPD Form 209A, Computer Hardware, Software, and Service Request Form.
5. All acquisitions from Metro Government Surplus, confiscation, or donation will follow all applicable fiscal procedures as defined elsewhere in department policies.

#### **12.30.060 Specific Provisions**

##### **A. Security/Storage:**

1. A specific employee, assigned by their component commander, will be responsible for the assigned component computers physical security and for obtaining any required maintenance through the Metro ITS Help Desk.
2. It shall be the assigned employees' responsibility to safeguard the computer hardware using every precaution available (i.e. - locking their vehicle when left unattended, using a locking cable for a laptop, securing the digital camera when not in their possession, or locking their office).
3. To the extent possible, officers assigned computers utilized in the field shall use every available precaution (locking equipment in vehicle trunk, etc.) when the equipment is not in their immediate possession or the vehicle is left unattended.
4. Any use of a department computer by anyone other than authorized department employees requires authorization from the MNPD Information Technology Director or a designated representative.

5. It shall be the assigned employee's responsibility to ensure the security of the computer against unauthorized use. Employees will not give their passwords to any other persons to use nor will they leave the password in any discernible written form in or near their computer. If the assigned employee leaves the computer unattended then they are required to log off.
6. It shall be the employees responsibility to secure any printed reports or images from any Police automated system, and disposing of such reports in a manner consistent with department policy. The employee shall prevent any unauthorized persons from viewing their computer display screen.
7. Metro ITS will be responsible for loading and maintaining virus protection on all department personal computers and network drives. In addition, they will be responsible for providing information describing the use of utilities that safeguard the computer (virus scanning, file backup, etc.).
8. Authorized users of a shared component computer are responsible for the security and access to that computer whenever the computer is under their control or during any period when they are logged on to that computer.
9. The MNPDP Information Technology Director must be notified immediately if department computer hardware or peripheral equipment is damaged, lost, stolen, or it is believed unauthorized access was attempted or gained.
10. An annual audit of all department computer systems for verification of the security of all passwords, access codes, or access violations shall be performed by Metro ITS at the direction of the MNPDP Information Technology Director. An annual audit of the security of passwords, access codes, and access violations will help maintain the integrity of the system and security of records contained in the system.
11. Computer files on department network-based servers and mainframes will be backed up according to a regular schedule and comply with record retention laws and department regulations. The media, tapes, disks or drives shall be stored off-site in a secure facility or area. If used media is not recycled, the media will be destroyed to ensure that data is not retrievable from the discarded media. Users should take special care to ensure that critical data is not stored on local PC hard drives, but on a network-based server or mainframes.

12. Specialized Units with specific data requirements, such as the Crime Analysis Unit, may be authorized by the Chief of Police to store sensitive data on local drives and/or laptops and other media provided that the requesting unit has met security requirements of data encryption equal to or greater than U.S. Department of Justice standards (128 bit encryption minimum).
13. Prior to leaving the computer device's control area, the user must either log out or manually lock the device using the operating system lock function or any lock supported by the device's operating system. A non-password protected screensaver is not acceptable. Any exceptions to the logical locking of a device must be approved by the Director of Information Technology and fully documented.
14. Users shall only use Removable Media that has been approved by MNPD Information Technology Director for the storage of Sensitive Information. The user shall return the Removable Media to the MNPD Information Technology Division just as they would with any other MNPD issued computer equipment. Only departmental Removable Media shall be used on MNPD computers. Removable Media shall be secured if not in the possession of the User. Removable Media taken off-site and in transit shall not be left unattended. Users and their supervisors shall be fully aware of information contents and classification of information that has been stored on Removable Media. If there is any question as to the sensitivity of this information, it shall be treated as Sensitive Information, until it is classified as otherwise.
15. MNPD files or information shall be removed from all devices, such as hard drives, CDs, DVDs, copiers, computer memory, flash drives, etc., that have been used to store any MNPD information, prior to the device being retired or disposed of. The approved method of information removal is by destruction. In order to satisfy the destruction method, the media must be shredded or destroyed such that the MNPD information cannot be read or otherwise reconstructed. Information stored on USB or flash drives must be wiped using a MNPD Information Technology Director approved method or securely destroyed.
16. MNPD Information Technology Division shall be immediately notified by the user, in the case of lost or stolen electronic equipment, including but not limited to, MNPD issued laptop, tablet, blackberry, pda, smart phone, or aircard, as well as any personally owned devices which has been approved and setup to receive MNPD user email.

17. No Remote Desktop access to any NCIC/TIES device is allowed. Remote Assistance access to a desktop with NCIC/TIES access may be allowed only under all of the following conditions; NCIC/TIES information must not be displayed or open on the computer display at any time during the Remote Access session; the MNPD employee must be in front of the computer and monitoring the activity of the remote technician; and approved by the MNPD Information Technology Director or his designee.

**B. Maintenance**

1. Metro ITS in conjunction with the MNPD Information Technology Division is responsible for all maintenance, support and repair of department computers. All Information and Technology related requests shall be routed through the Metro ITS Help Desk at 862-6222. Contacting MNPD Information Technology division or Metro ITS department personnel directly is not preferred, since the tracking of problems is not possible. Assigned employees should notify their immediate supervisor of any maintenance problems not resolved in a timely manner. This information should then be forwarded through the chain of command to the assigned employee's bureau commander.
2. In an effort to assist Metro ITS support personnel in resolving computer problems, the person reporting should make every effort to document the nature of the problem. The following items should be documented:
  - a. Date and time of occurrence; and
  - b. Nature of occurrence (i.e. - computer out of memory, network services not available, or any message that appears in a dialog box showing an error.)
3. At the direction of the MNPD Information Technology Director, support personnel may be established for minor maintenance on department computers within a specified component. This minor maintenance must still be reported to the Metro ITS Help Desk immediately for documentation purposes. This minor maintenance does not alter the need for security or installation approval from the MNPD Information Technology Director or designated representative.
4. MNPD Information Technology and/or Metro ITS personnel will attempt to resolve and correct any defects or problems that could



affect officer safety or reduce element efficiency, in a timely manner.

5. MNPD Information Technology and/or Metro ITS is responsible for packing and shipping faulty equipment to be returned to a vendor for repair, when appropriate.

**C. Inspections**

Department computers are subject to line or staff inspections at any time.

**D. Training**

1. All employees shall maintain eligibility, under FBI, TBI, CJIS, or other appropriate law, policy or procedure to receive or renew any operator and/or query certification that may be required as an essential function of their assigned position. Failure to maintain such certification or to maintain eligibility for certification may be grounds for corrective or disciplinary action.
2. All sworn employees shall, at a minimum, acquire and maintain query certification.
3. It will be the responsibility of the Metropolitan Police Training Academy to design and administer additional computer training specific to the software available to the assigned employee, either directly through educational aids, or through third parties.

**E. Social Media**

1. Follow our existing rules of conduct: As a representative of Metro Police Department, you must act with honesty and integrity in all matters. This commitment is also true for all forms of social media communications.
2. Communicating on behalf of Metro Police Department: When making statements on behalf of or as when acting as a representative or when perception indicates you may be making such a statement, members are reminded to follow established policy and procedures for public statements as contained in the Media Relations policy.
3. Use appropriate disclaimers: When employees make any statement regarding Metro Police Department online, honesty requires that they identify themselves as Metro Police Department employees. Also, because only authorized employees may make

statements for Metro Police Department, all other employees must make clear that they are not commenting on behalf of the department. Accordingly, should you desire to make reference to Metro Police Department on a blog, message board or other online community, you must identify yourself as an employee, but also make it clear that the views/opinions you are sharing are your own and not necessarily the views of Metro Police Department.

The following statement may be used for this purpose: "I work for Metro Police Department, and this is my personal opinion. My statements have not been reviewed or approved by Metro Police Department, and they do not necessarily represent the views or opinions of Metro Police Department."

4. Act with respect and exercise common sense: Online communications should not violate the department's conduct-related policies, including its harassment and personal conduct/deportment policies. Do not engage in any online communications that could reflect negatively on the department or its members.
5. Safeguard the privacy of Metro Police Department' activities: Consistent with established policy and procedure on the security of department operations, you should not discuss departmental operations, make any comment concerning any active on ongoing departmental matter; or post a picture or video of departmental operation or investigation on a social media site, such as Facebook or MySpace, or on a photo/file sharing site, such as Flickr, YouTube or Shutterfly. It is a violation of Metro Police Department policy to disclose, use or refer to Metro Police Department's confidential information in any form of online media.
6. You are responsible for your online actions and are personally liable for your posts: With respect to online behavior, you are personally responsible for your activity conducted with a Metro Police Department e-mail address, and/or which can be traced back to an Metro Police Department or City of Nashville domain, and/or which uses Metro Police Department assets (such as a company-issued computer or internet-capable phone). You are personally responsible for your activities in social media and any content that you publish online. As such, do not post material that is defamatory, profane, libelous, threatening, obscene, harassing or violating the privacy right of any individual or entity. Do not disclose personal information (comments, pictures, video, etc.) about other individuals without their consent.

Please remember that outside parties could pursue legal action against you for your social media postings. In any circumstance where you are notified or otherwise learn that an outside party is seeking legal action against you (or Metro Police Department) in regards to your postings and the postings mention Metro Police Department, notify your supervisor immediately.

7. Safeguard Metro Police Department' intellectual property: You may not post the Metro Police Department logo, any graphic materials that contain Metro Police Department insignia, logo, patch or similar indicia or any other Metro Police Department materials without prior approval of the Chief of Police or authorized designee.
8. Do not respond to inaccurate information about Metro Police Department: If you identify a blogger or message board poster (or any other online participant) that has posted an inaccurate comment about Metro Police Department, *do not engage in the conversation*. If you come across accusatory or negative comments about Metro Police Department, please notify your supervisor.
9. Do not manipulate polls and surveys: You cannot use Metro Police Department' network to influence polls, rankings, or to increase Web traffic.
10. Do not include your Metro Police Department e-mail address in your social networking profile: You may not include your Metro Police Department or government e-mail address in your personal profile on social networking sites or for contact related to such activity.
11. Protect the Department's reputation: What you say online is a reflection upon Metro Police Department, as well as yourself. We all have a responsibility to protect the Department's reputation. Inappropriate online activities that reflect poorly upon Metro Police Department, its employees or services can result in corrective and/or disciplinary action.

#### **12.30.070 Mobile Data Computers**

##### **A. Assignment of Mobile Data Computers**

1. Laptops and components which are not physically mounted in a vehicle shall be assigned to individually designated officers.

2. Any mobile data computer laptops assigned to individuals will adhere to current policy with regard to equipment remaining with specific components when employees are transferred.
3. Laptops which are physically mounted in a vehicle shall be assigned to the vehicle. Essentially, in this setup, the laptop and components will simply become another component of the vehicle like the voice radio and shotgun rack.
4. Any mobile data computer laptops assigned to component vehicles shall be the responsibility of component commander with respect to security, cleanliness, and maintenance.

**B. Assignment of Investigative/Administrative Laptops**

1. Investigative/Administrative laptops shall be assigned to individually designated employees of the department and the Section/Unit the employee is assigned. These laptops are not mounted in police vehicles and are the responsibility of the assigned employee with respect to security, cleanliness, and maintenance.
2. Any Investigative/Administrative laptops assigned to individuals will adhere to current policy with regard to equipment remaining with specific components when employees are transferred.
3. No Investigative laptop can be moved/assigned to another Bureau/Division/Section/Unit without Chain of Command and MNPD Information Technology Director approval.

**C. Installation of Hardware/Software Components**

1. Software to be used on mobile data computer laptops will be installed by MNPD Information Technology or Metro ITS assigned staff only.
2. Requests for additional hardware/software components will follow the same procedures as set forth in Article III., Acquisition of Computer Hardware/Software.

**D. Specific Restrictions**

1. The driver of any vehicle equipped with a mobile data computer may perform computer functions of a routine and brief nature while the vehicle is in motion. An example of such an activity is pushing the "enroute" button after being dispatched on a call. However, a driver is only authorized to perform such functions when he/she can do so and operate the vehicle in a safe manner. This provision shall

not relieve the driver of the vehicle from the duty to drive with due regard for the safety of all persons and property, nor shall such provisions protect the driver from the consequences of his/her own disregard for the safety of others.

2. No modifications of any kind are allowed to the components of the mobile data system. This includes laptop hardware and software, vehicular radio modem, vehicle mounting bracket and radio antenna.
3. Sharing of laptops assigned to individuals, or using a laptop in a vehicle other than the vehicle it is assigned to, will require the permission of the assigned employees' immediate supervisor.
4. Mobile Data Computers are designed to remain in and work only inside Metro Police vehicles. Removal of the MDC shall only be done by Metro Information Technology, MNPD Information Technology, Metro Radio Shop or Police Vehicle Operations personnel.

E. Security/Storage

1. A specific employee, assigned by their component commander, will be responsible for the assigned component mobile data computer laptops physical security and for obtaining any required maintenance through the Metro ITS Help Desk.
2. Employees assigned an individual-assigned vehicle will be responsible for that vehicles assigned mobile data computer laptop and MC-75 handheld device in the same manner as all other items within the vehicle.
3. Personnel having assigned vehicles should leave their mobile data computer laptop locked in the docking station inside their vehicle at the end of their shift. For personnel using unassigned vehicles or share cars, the mobile data computer laptop assigned to the vehicle should remain in the locked docking station inside its vehicle at the end of their shift. The intent of leaving a mobile data computer laptop locked in the docking station inside a vehicle at the end of an officer's shift is to prevent needless repairs from removing and later returning the laptop into its docking station. When a vehicle is undergoing maintenance or other type of repairs, the mobile data computer laptop will be removed from the vehicle and stored in a locked storage cabinet or stored by the officer in a secure location. Locking storage cabinets are available at each patrol station or precinct office for those who do not wish to leave the mobile data computer laptop in its assigned vehicle at the end of the shift.

4. MNPd personnel shall use due care and caution to ensure that restricted information, such as NCIC and CJIS information, that may be displayed on any MDC or laptop computer cannot be seen or accessed by non authorized persons.
5. MNPd personnel shall not leave restricted information visibly displayed on any laptop or MDC when they are away from their vehicle. Personnel shall implement the screensaver, lower the display screen, and/or minimize the display brightness/contrast levels, as appropriate, to ensure restricted information is not visible.
6. Additionally, MNPd personnel shall not allow any person not authorized to view restricted information that may be seated or riding in any vehicle equipped with a MDC or laptop computer to view any restricted information displayed on the computer screen.

F. Mobile Data Computer Laptop Maintenance/Data Updates

1. MNPd Information Technology Division is responsible for all maintenance, support and repair of department Mobile Data Computers. The Metro ITS Help Desk shall be utilized to report all requests for service pertaining to mobile data computer laptops. Any request for maintenance should be reported at once to the Metro ITS Help Desk or send an email to [MDCSupport@nashville.gov](mailto:MDCSupport@nashville.gov).
2. Problems concerning the overall operation of a device concerning the vehicle mounting bracket and vehicular radio modem should first be reported to the Metro ITS Help Desk or [MDCSupport@nashville.gov](mailto:MDCSupport@nashville.gov) to verify the problem is not within the mobile data computer laptop itself. Once the problem has been clearly identified as being in the mounting bracket or vehicular radio modem, the person requesting maintenance may be referred to the Metro General Services Radio Shop for service.

G. Inspections

Mobile data computer laptops and Investigative/Administrative laptops and components are subject to line or staff inspections at any time.

**12.30.080 Electronic Forms**

A. Form Completion

1. When completing electronic forms, members shall ensure that they are appropriately logged on to and/or affix the appropriate electronic signature to the completed reports, when required.
2. Users shall follow established policy and procedure for report writing .

**B. Submission & Review**

Consistent with established policy and law, users shall ensure the accuracy of reports completed in an electronic format.

Prior to submission of a document with an electronic signature, members shall ensure the accuracy

**C. Signatures**

Notwithstanding any provision of law or policy to the contrary, the use of electronic signatures may be provided by the department for use in the signing of forms, reports, affidavits of complaint, arrest warrants, or other documents. An electronic signature may be used to sign a document and shall have the same force and effect as a written signature.

## **12.40 Guidelines for Police Responses Using Mobile Data Computers**

### **12.40.010 Purpose**

The purpose of this directive is to establish procedures regarding police responses to calls for service electronically dispatched by the use of mobile data computers.

### **12.40.020 General Provisions**

- A. All department patrol vehicles that possess a mobile data computer shall have steps added in the call response process. In the past, the terms “dispatched” and “in route” have been considered to be synonymous. Now there is a distinct difference in the two terms:
  - 1. Dispatched Status: An officer has been assigned a call for service via the mobile data computer, but has not yet informed the dispatcher (either by voice or a mobile data computer) that they are in route to the call.
  - 2. Enroute (in-route) Status: Assures Emergency Communications Center personnel that a responder has received a call for service either electronically or by voice, and are physically proceeding to the call.
- B. Officers with mobile data computers shall acknowledge the receiving of a call for service from Emergency Communications Center personnel, by selecting and pressing a pre-determined key on their keyboard. Immediately after this function has occurred, the Emergency Communications Center personnel are assured that the officer has received the call information and started his vehicle towards the scene.
- C. After a specified time frame, the Emergency Communications Center Computer Aided Dispatch system is automated to alert the dispatcher if an officer has not acknowledged the receiving of a call for service or is enroute. If this occurs, officers will be called verbally by Emergency Communications Center personnel to advise them of the routed call. (If the officer does not receive the call on their mobile data computer, the hardware should be checked for potential system trouble).
- D. According to acknowledged Emergency Communications Center policy, in addition to mobile data computer routing to police vehicles, calls for service voice broadcasting should occur by Emergency Communications Center personnel. The amount of information, which is broadcast verbally over the radio, shall be determined by the



response codes assigned at the Emergency Communications Center. These response codes and information to provide are as follows:

1. Code 1 Calls (routine calls): Emergency Communications Center personnel will broadcast to the responding officers the incident type and location.
2. Code 2 Calls (urgent, but no emergency equipment): Emergency Communications Center personnel will broadcast to the responding officers the incident type and location.
3. Code 3 Calls (emergency): Complete information will be transmitted over appropriate voice radio talk group(s) by Emergency Communications Center personnel for any car in the area to respond.

**NOTE:** If any officer responding to a particular call does not have a mobile data computer in their vehicle, Emergency Communications Center personnel have been instructed to broadcast the entire call over the voice radio.

- E. Any time an officer requests that the entire call to be relayed to them over the voice radio, Emergency Communications Center personnel have been instructed to comply. This is a safety measure in the event an officer cannot safely operate their vehicle and read information from a computer at the same time.
- F. Police vehicles that are equipped with a mobile data computer shall utilize the resources of the computer system to assist in minimizing voice radio traffic. Specifically, officers will make status changes (in-route, arrived, location changes, availability) via the mobile data computer. Anytime an officer submits a transaction on the computer and does not get the proper acknowledgement, the officer should repeat the change by voice to ensure it was properly handled.

**Exception:** On Code 3 calls; officers shall voice their status changes (along with changing them on the mobile data computer) at least through the arrival on scene. This allows other responders, who may or may not have access to a mobile data computer to know exactly what to expect when arriving on an emergency call.

- G. Officers who have a mobile data computer in their police vehicle shall also utilize it to put themselves on self-initiated calls (traffic stops, suspicious subject, etc.). **Utilizing the mobile data computer to put an officer on a traffic stop or any other officer-initiated activity**

**should only be done when it does not pose a safety hazard to the officer.** At a minimum, officers must provide an acceptable location and any other information that would assist Emergency Communications Center personnel with dispatching other units if back up is requested.

- H. Officers should not allow a delay in checking out on a traffic stop or any other self-initiated call just so they can enter information into the mobile data computer software. If a delay in checking out via the mobile data computer is anticipated, officers should check out verbally.
- I. Logging off of a mobile data computer, removes the unit from the Emergency Communications Center personnel's status screen, therefore; no officer should intentionally log off of the mobile data computer until they have been relieved by the oncoming shift. If a mobile data computer is logged off during a shift, Emergency Communications Center personnel have been instructed to re-enter the unit as on-duty or as a non-mobile data computer equipped unit.

**NOTE:** Verbal transmissions may be necessary to clear up any on-duty or off-duty confusion that may occur when a unit no longer shows on the Emergency Communications Center status screen.

- J. At any time an officer is without the use of an mobile data computer, they should alert Emergency Communications Center personnel that they are a non-mobile data computer equipped vehicle so that ALL calls for service may be dispatched orally.
- K. This directive is to be used in conjunction with current department policy that addresses management and utilization of automated systems.

## **12.50 Uniform Activity Counting**

### **12.50.010 Introduction**

The purpose of this policy is to establish a uniform procedure for counting mail and officer activity. The Metropolitan Police Department recognizes that officer activity is one of several areas of importance for supervisors to evaluate and monitor. The amount and type of work produced are generally indicative of the motivation, confidence, and overall ability of individual officers. Conversely, the work output by a group of officers reflects on their sergeant and other members of the chain of command.

Therefore, a uniform method of calculating the work output of individual officers is of great importance. Consistent definitions of various types of activity will allow for comparison between individuals, groups, and departmental elements. This policy will provide procedures for counting mail and other activity.

### **12.50.020 General Provisions**

#### **A. Time Period**

Only mail generated during the normal tour of duty is to be counted (i.e., no off-duty employment mail will be claimed, even if the off-duty employment was through the department -- MDHA, Percy Priest Lake assignment, etc.).

#### **B. Credit for Work Actually Done**

Only work actually done by the individual is to be counted (i.e., no "drive-by" credit or credit for simply being present when someone else makes an arrest). The exception would be the counting of officer assists on arrests, warrant service, and traffic incidents where the officer actively assisted in the incident, to include the filling out of any required forms or reports. This allows individual officers to count activity that would not normally be recorded and is pertinent to the officer's overall productivity.

#### **C. Two-Officer Units**

In two-officer units (assigned or FTO and probationer) mail will be divided so that the total counted for the car does not exceed what was actually done (i.e., the mail should be divided equitably depending on which officer initiated the activity, which officer completed various reports, etc.).

### **12.50.030 Specific Provisions**

#### **A. Counting General Enforcement Activity**

1. Incident Reports – Total number of MNPDP Incident Reports (MNPDP Form 100) completed for the work period. An incident report that is continued on a supplemental report would count as one (1) incident report and one (1) supplement report.
2. Accident Reports -- Total number of Tennessee Uniform Officer's Accident Reports or MNPDP Minor Damage Accident Reports (MNPDP Form 107-F) completed for the work period.
3. Supplement Reports – Total number of supplemental reports completed during the work period. Supplemental reports include the following:
  - a. Supplement Report (MNPDP Form 104, 104B, 104C)
  - b. Accident Report supplements (various departmental or state forms)
  - c. Pursuit Critique (MNPDP Form 116)
  - d. Seizure forms (various departmental or state forms)
  - e. Evidence forms (various departmental or state forms)
  - f. Release forms (various departmental or state forms)
  - g. Consent forms (various departmental or state forms)
  - h. DUI Testing Report (MNPDP Form 132)
  - i. Vehicle Hold Report (MNPDP Form 234)
  - j. Vehicle Towing Report (MNPDP Form 008)

A supplement report that has two (2) or more pages would count as one (1) report.

4. Field Interview Reports(FI) – Total number of Field Interview Reports (MNPDP Form 114) completed for the work period.

5. Domestic Violence Reports -- Total number of Incident Reports that result from a domestic situation for the work period. Domestic Violence Reports are also counted as Incident Reports.
6. Miscellaneous Incident (MI) -- to be claimed whenever an officer logs an incident on the Officer's Daily Activity Report and the action taken does not require completion of any report listed above. Also, the following forms are to be counted as MI's:
  - a. Unattended Vehicle Notice (MNPDP Form 119)
  - b. Safety Hazard Notification Report (MNPDP Form 271)
  - c. False Alarm Notification Report (MNPDP Form 070)
  - d. Vehicle Stop Data Form (MNPDP Form 252)
7. Persons Arrested -- List the total number of persons (adults) arrested. An arrest equals one (1) body. A person arrested on several charges, regardless if felony or misdemeanor would be counted as one (1) arrest.
8. Domestic Violence Arrest -- To be claimed whenever **any** arrest **results from** a domestic situation. This category is counted as a subset of *Persons Arrested* (e.g. A person arrested on a domestic violence charge would be counted as one (1) person arrested AND one (1) domestic violence arrest).
9. Narcotic Arrests -- To be claimed whenever any arrest wherein the suspect is charged with a narcotic offense. This category is counted as a subset of *Persons Arrested* (e.g. A person arrested on a drug offense would be counted as one (1) person arrested AND one (1) narcotic arrest).
10. Narcotic Citations -- To be claimed whenever a suspect is charged with a narcotic offense by means of a misdemeanor citation.
11. Felony Charges -- Total number of felony charges for the work period not resulting from pre-existing warrants. This number may be more than the total number of persons arrested due to multiple charges on a single suspect.
12. Misdemeanor Charges -- Total number of misdemeanor charges for the work period not resulting from pre-existing warrants. This number may be more than the total number of persons arrested due to multiple charges on a single suspect.

13. Felony Warrants Served – Total number of pre-existing felony warrants served for the work period. This number may be more than the total number of persons arrested due to multiple outstanding warrants on a single suspect.
14. Misdemeanor Warrants Served – Total number of pre-existing misdemeanor warrants served for the work period. This number may be more than the total number of persons arrested due to multiple outstanding warrants on a single suspect.
15. Search Warrants Served – Total number of search warrants served for the work period, regardless of arrests made or contraband recovered.
16. Warrant Service Attempts – To be claimed anytime an attempt is made to serve an outstanding warrant and the subject was not apprehended. If the service attempt resulted in the subject being apprehended and subsequently being issued a citation for the offense on the warrant, the activity will be counted as a warrant served, and a citation issued.

A warrant service attempt requires the officer to physically check a location for the suspect. Simply verifying the warrant's existence or other information via the Mobile Data Computer (MDC) or calling the Warrant Section would not constitute a service attempt.

17. Misdemeanor Citations – Total number of State Misdemeanor Citations issued during the work period **which are not traffic related**.

**NOTE:** Juvenile citations will be counted separately from adult citations.

18. Felony Warrants Obtained – The total number of warrants obtained for felony charges against suspects by the officer during the work period that remain outstanding and for which no physical arrest has yet been made.

Should the warrant be served later in the officer's shift after the officer has obtained the warrant, the officer would claim the additional credit for the warrant served.

19. Misdemeanor Warrants Obtained – The total number of warrants obtained for Misdemeanor charges against suspects by the officer

during the work period that remain outstanding and for which no physical arrest has yet been made.

Should the warrant be served later in the officer's shift, the officer would claim the additional credit for the warrant served.

20. Metropolitan Citations – Total number of Metropolitan Citations issued during the work period **which are not traffic related**.

**NOTE:** Juvenile citations will be counted separately from adult citations.

**B. Confiscations**

1. Drugs – The total number of drug confiscations during the work period. Also list total monetary value of drugs confiscated.
2. Firearms – The total number of firearms confiscated for the work period.
3. Money – The total value of currency recovered during the work period.
4. Vehicles – The total number of vehicles confiscated during the work period.
5. Other Weapons – The total number of weapons, other than firearms, confiscated during the work period.

**C. General Traffic Activities**

1. Parking Citations – Total number of parking citations issued during the work period.
2. Traffic Stops – Total number of traffic stops made for the work period, regardless if the stop resulted in citation, warning or arrest.
3. Traffic Arrests – Total number of physical arrests for misdemeanor traffic charges **and** state misdemeanor citations for traffic related charges.

Non-traffic related arrests made as the result of a traffic stop would not be counted as "Traffic Arrests". Such arrests would be counted as felony arrest, misdemeanor arrest or citation as the situation dictated.

4. Traffic Warnings – Total number of traffic stops made that do not result in a citation or arrest for the work period. All traffic warnings shall also require the completing of the MNPD Form 252, Traffic Stop Data Form.
5. Traffic Citations – Total number of traffic citations issued for the work period, excluding citations issued for DUI. One (1) citation may contain several violations.
6. Traffic Violations – Total number of traffic violations issued for the work period, excluding citations issued for DUI.
7. DUI Arrests – Total number of DUI arrests, custodial or by citation.
8. Traffic Accident (10-46) – Total number of personal injury accidents worked during the work period.
9. Critical Crashes -- Total number of critical injury accidents worked or assisted during the work period. This category is counted as a subset of traffic accident 10-46.
10. Fatal Crashes -- Total number of fatal accidents worked or assisted during the work period. This category is counted as a subset of traffic accident 10-46.
11. Traffic Accident (10-45) – Total number of property damage accidents worked during the work period.
12. Blood Tests – The total number of blood tests collected for the work period.
13. BAT Tests – The total number of Breath Alcohol Tests for the work period.
14. Items Recovered From Traffic/Pedestrian Stops
  - a. Drugs – The total number of drug confiscations resulting from self-initiated stops.
  - b. Drugs seized from traffic stops – The number of drug confiscations resulting from traffic stops
  - c. Drugs seized from pedestrian stops – The number of drug confiscations resulting from pedestrian stops.



- d. Firearms – The total number of firearms seized resulting from self-initiated stops.
- e. Firearms seized from traffic stops – The number of firearms confiscations resulting from traffic stops.
- f. Firearms seized from pedestrian stops – The number of firearms confiscations resulting from pedestrian stops.

D. Juvenile Activities

1. Juveniles Arrested -- List the total number of juveniles arrested. An arrest equals one (1) body. A person arrested on several charges, regardless if felony or misdemeanor would be counted as one (1) arrest.
2. Felony Charges – Total number of juvenile felony charges for the work period not resulting from pre-existing petitions. This number may be more than the total number of juveniles arrested due to multiple charges on a single suspect.
3. Misdemeanor Charges -- Total number of juvenile misdemeanor charges for the work period not resulting from pre-existing petitions. This number may be more than the total number of juveniles arrested due to multiple charges on a single suspect.
4. Curfew Physical – The total number of custodial arrests of juveniles for curfew violations. This category is counted as a subset of juveniles arrested. (e.g. A juvenile arrested on a curfew offense would be counted as one (1) juvenile arrested AND one (1) curfew physical).
5. Loitering Physical – The total number of custodial arrests of juveniles for loitering violations. This category is counted as a subset of juveniles arrested. (e.g. A juvenile arrested on a loitering offense would be counted as one (1) juvenile arrested AND one (1) loitering physical.)
6. Juvenile Citations – Total number of Juvenile Citations issued during the work period **which are not traffic related**.
7. Curfew Citations – The total number of juvenile citations issued for curfew violations. This category is counted as a subset of juvenile citations. (e.g. A juvenile cited on a curfew offense would be counted as one (1) juvenile citation AND one (1) curfew citation.)

8. Loitering Citation – The total number of juvenile citations issued for loitering violations during school hours. This category is counted as a subset of juvenile citations. (e.g. A juvenile cited on a loitering offense would be counted as one (1) juvenile citation AND one (1) loitering citation.)
9. Petitions -- Total number of pre-existing petitions served for the work period. This number may be more than the total number of juveniles arrested due to multiple petitions on a single suspect.
10. Felony Petitions -- Total number of pre-existing felony petitions served for the work period. This number may be more than the total number of juveniles arrested due to multiple petitions on a single suspect.
11. Misdemeanor Petitions -- Total number of pre-existing misdemeanor petitions served for the work period. This number may be more than the total number of juveniles arrested due to multiple petitions on a single suspect.

E. Miscellaneous Activity

1. Business Checks – Total number of business checks made for the reporting period. Business checks require the officer to physically go to the location being checked. Multiple checks may be made on a single business during the reporting period.
2. Knock and Talk – Total number of proactive investigations at locations wherein no outstanding warrant existed for the work period.
3. Terry Stops – Total number of stops for the reporting period where the officer had reasonable suspicion to believe the individual stopped may have committed or is about to commit a criminal offense. This could be a pedestrian stop or a stop of a vehicle. A Terry Stop of a vehicle containing two people would be counted as one (1) Terry Stop.
4. Latent Scenes Processed -- Total number of crime scenes where the officer made an attempt to lift a print for processing for the reporting period.
5. Latent Prints Lifted -- Total number of latent prints lifted for processing by the officer for the reporting period.

6. Community Contacts – Total number of contacts made by the officer regarding community concerns for the reporting period. Community contacts would include individuals, private citizens, and businesses.
7. Mental Health Transports – Total number of transports conducted for mental health evaluations during the work period. Transports could be from MNPd to medical facility or medical facility to medical facility.
8. Hours Alternate Assignment - Total number of hours the reporting officer worked on special assignment or assigned to duties not ordinarily associated with his/her regular work assignment.
9. Hours in Court – Total hours spent in court by the reporting officer during his/her scheduled work period.

**F. Reporting Activity to Supervisors**

Activity shall be reported via the most appropriate means available, per the Standard Operating Procedures of the element. In most cases, field personnel will claim their mail on the reverse side of MNPd Form 253, Officer's Daily Activity Report. All activity generated for a given shift will be noted in the appropriate spaces, and shall then be turned in the next working day at roll call.

**G. Logging Activity**

Activity shall be logged into the appropriate officer activity application used by that particular organizational element. In most cases, elements assigned to Community Services will use the Officer Activity Application available on the PDWED Site. Supervisors shall log all officer activity into the appropriate record-keeping application to ensure the timely reporting of activity for personnel under their supervision.

**H. Evaluating Officer Activity**

Supervisors should be aware that MNPd Form 253, Officer's Daily Activity Report is simply a tool to be utilized with other reports generated by the Officer Activity Application to evaluate and monitor officer activity. While much information can be generated by utilizing these forms of activity monitoring, no report is completely effective without careful analysis by the employee's supervisor.

## **12.60 Teleserve Operations**

### **12.60.010 Policy**

It is the policy of the Metropolitan Nashville Police Department to provide the public with the best police services possible, within budgetary constraints. The department recognizes that the need for officer and citizen safety is the **primary focus** of any law enforcement agency's efforts and that non-emergency service delivery is a secondary concern.

The mission of Teleserve is to enhance the level of emergency police services available in the community by handling low priority calls by telephone. By processing these calls in such a non-traditional manner, the department will be able to increase officer and citizen safety by deploying field resources to handle higher priority "emergency" and "immediate action" calls.

All personnel shall adhere to the provisions herein with respect to Teleserve.

### **12.60.020 Definitions**

- A. **Teleserve:** The process of receiving and reporting specified non-emergency incidents by telephone.
- B. **Suspect:** The perpetrator of a criminal offense who was seen in the act of, or fleeing after, the commission of a crime by an eyewitness who can identify the person.

### **12.60.030 Procedures**

The procedures described herein will explain the responsibilities of the Emergency Communications Center, Community Services Bureau, and the Teleserve Division regarding the handling of non-emergency calls by telephone.

#### **A. Responsibilities of Emergency Communications Center (ECC)**

In accordance with established policy and procedure of ECC:

1. Emergency Communications Center personnel shall receive all calls for service and screen them for appropriate handling.
2. The screening process involves analyzing facts and circumstances of the call to assign it to the proper category based upon existing policy and response criteria.

B. Criteria for Response

The assignment of calls shall be handled in accordance with the following criteria:

1. Assignment to Teleserve

Calls for services that meet the criteria for Teleserve must be of a non-emergency nature and include, but are not limited to:

- a. Thefts with a loss of under \$5,000.00 including vehicle parts and accessories, from residences or businesses, lawn furniture, of or from trailers (see exception below), from public storage/rental facilities, break-ins of detached garages, from railroad cars, from construction sites, from unfinished or damaged structures, by employees, and other miscellaneous thefts;
- b. Damage to property incidents when the loss is under \$5,000.00;
- c. **ALL** reports of lost property;
- d. Harassing telephone calls if no threats were made;
- e. Adult escapees from penal institutions who are on furlough or work release and do not pose an immediate danger to themselves or the public;
- f. Adult escapees from mental institutions who do not pose an immediate danger to themselves or the public;
- g. All supplemental information reports except personal crimes and license and vehicle identification number information in auto theft cases.
- h. All types of frauds, there is no limit on fraud or embezzlement.

In addition, the criteria listed above does not preclude MNPD supervisory personnel from directing ECC to forward any type of call for service, that he/she deems necessary, to Community Services for investigation.

**EXCEPTIONS:** Calls described above will be dispatched to a patrol unit if the suspect is being actively pursued, the suspect is a police department employee, or the victim is the Metropolitan Government. In addition, if a recovered trailer has a serial number or a VIN and has

been entered into NCIC as stolen; or, if the call involves a stolen and/or recovered trailer, a patrol unit shall be dispatched.

2. Assignment to Community Services Bureau

Patrol units will respond to the following:

- a. Incidents defined as personal crimes;
- b. Juvenile escapees or runaways;
- c. Motor Vehicle thefts;
- d. Motor Vehicle VIN plate thefts;
- e. State license plate recoveries; and
- f. Motor Vehicle recoveries.

C. Routing Calls to Teleserve

- 1. All calls meeting the criteria for Teleserve response shall be entered into the CAD system by Emergency Communications Center personnel and sent to the Teleserve work stations, per EEC directive 04-1004.
- 2. In the event that the CAD system is down, ECC will fax calls for service to Teleserve.
- 3. Telephone calls shall not be forwarded directly to Teleserve unless prior approval exists from the Teleserve Supervisor.
- 4. On calls involving out-of-town complainants, ECC personnel will advise the complainant that Teleserve will call them back.
- 5. On local supplemental information calls, the complainant **must** have the complaint number before the call can be sent to Teleserve. The complainant shall be referred to the Records Division if the number is not known.
- 6. On long-distance supplemental information calls, the complaint number will be located by the Teleserve personnel if it is not known.

**D. Responsibilities of Teleserve in Processing Calls**

1. Teleserve personnel shall respond to calls in the order in which they were received with the exception of hotel/motel immediate departures which shall be given priority status.
2. Incident reports shall be completed in a timely manner in accordance with current report writing provisions.
3. On calls where Teleserve does not make contact with complainant (busy, no answer, not present) the time of the attempt shall be noted and the employee shall take the next call in order.
4. On unsuccessful call-backs as described in #3, Teleserve personnel shall complete the next call in order and then re-try the unsuccessful call again, but the second attempt must be at least 15 minutes after the first attempt.
5. If the second attempt is unsuccessful, repeat the procedures above.
6. If the third attempt is unsuccessful, note the time and complete the call "Code 5C" if the complainant is gone or "Code 10" if there is no answer.
7. The Teleserve supervisor shall have the authority to suspend the routing of calls to Teleserve for a period of time. Each suspension shall be documented in memorandum form to the Records Manager of the Records Division, and the memorandum shall contain:
  - a. Date and time of suspension;
  - b. The reason for suspension;
  - c. Date and time of resumption of service; and
  - d. The name of the ECC supervisor notified of suspension and resumption.
8. Upon receiving notification of Teleserve suspension, the on-duty ECC supervisor shall ensure field units are notified in an appropriate manner considering the time of day, reason for suspension, and other variables.

9. Teleserve suspension will result in all calls for service being forwarded to a dispatcher for assignment to a field unit. These calls will be assigned the lowest priority for dispatching purposes.
10. Upon resumption of Teleserve operations, dispatchers shall route any pending Teleserve-type calls to a Teleserve work station.

**E. Assignment to Community Services Bureau**

1. The Community Services Bureau shall respond to all calls for service that do not fall into the teleserve criteria unless directed/authorized by a patrol supervisor. Such calls may be assigned to the Alternate Police Response personnel per Community Services SOP.
2. When a Community Services Bureau unit responds to a call for service and determines that the call met the criteria as specified in this directive for Teleserve operations, the officer shall complete the report and inform his/her supervisor of the incident during normal mail procedures.

**F. Calls Not Meeting Teleserve Criteria**

1. When a Teleserve technician determines that a call does not meet the criteria for Teleserve reporting as specified in this directive, they shall notify ECC personnel of the nature of the call along with the reason(s) the call does not meet their criteria.
2. ECC personnel shall dispatch the call, with an explanation, simultaneously to the appropriate patrol unit and the immediate supervisor of that unit. The assigned unit will respond to the call unless otherwise directed by their supervisor.
3. All personnel involved (Emergency Communications Center, Teleserve, and Community Services) will be held accountable for their actions when referring calls, and will adhere to the reporting criteria of this directive when evaluating and discussing such calls.



## **12.70 Communications Audio Log: Requests for Copies of Recordings**

### **12.70.010 Purpose**

The purpose of this policy is to establish policy and procedures for obtaining copies of audio logs stored by the Emergency Communications Center (ECC).

### **12.70.020 General Provisions**

- A. Audio logs are stored by the ECC. Any request for duplication should be forwarded through the requester's chain of command for approval prior to submission to ECC.
- B. Any employee of the department wishing to obtain a copy of any recording, must submit a completed MNP Form 160, Recording Review Report, to the ECC. All MNP Form 160, Recording Review Reports, must be approved by the requesting employee's section commander/captain before submittal; incomplete forms will not be considered.

### **12.70.030 Audio Tapes for Pursuit Critiques**

Pursuit critique tape requests can be made via email. The procedure for procuring a duplicate audio recording of a pursuit is as follows:

- A. The supervisor requesting the recording shall complete MNECC Form 001 (Public Safety Recording/CAD Review Report) electronically.

**NOTE:** MNECC Form 001 can be obtained from the [K drive, DIRECTVS, Forms, Excel, Comm Center](#), 001.xls.

- B. Indicate on the request that the tape is needed for a pursuit critique, and the appropriate priority will be placed on the request.
- C. The requesting supervisor's section captain/Commander shall forward the completed form electronically to the Emergency Communications Center (ECC) at the following address:  
[eccsupport@nashville.gov](mailto:eccsupport@nashville.gov).
- D. An email notification will be sent to the requesting supervisor when the tape is available for pickup.
- E. The tapes may be signed for and picked up on any shift in the ECC supervisor's office.

## **12.80 Calls for Service: Daily Reports**

### **12.80.010 Definitions**

For the purpose of this policy the following words or terms shall be defined:

- A. **Daily:** Activities occurring during an assigned period of twenty-four (24) hours.
- B. **Calls for Service:** Any formal request for departmental personnel's assistance, response or investigation, or any self-initiated response.

### **12.80.020 General Provisions**

- A. Components having the responsibilities of responding to calls for service shall ensure units responding to calls for service complete a MNPD Form 253, Officer's daily activity report. Those components include:
  - 1. Uniform Services Units
  - 2. Special Operations Division
  - 3. I.D. & Technical Investigations Division
  - 4. Warrants Division
  - 5. Any Division Commander may require the completion of MNPD Form 253 as necessary for the efficient supervision and accountability of their section.
- B. These reports shall summarize the description/type of activities that the component is responsible for, (i.e. type of reports, arrests, investigation, citation, etc.)
- C. Personnel having the responsibility completing the MNPD Form 253 shall include the following information on the form:
  - 1. Name and employee number of assigned personnel (Last, First, M.I.);
  - 2. Date (day of week, month, date, year);
  - 3. Shift (assigned work period);
  - 4. Time received and completed call
  - 5. Description of call for service (Communication Code)
  - 6. Location of the call/investigation;
  - 7. Disposition of the call/investigation (action taken);
  - 8. Complaint and/or citation number(s);
  - 9. Page of page numbers (all pages);
  - 10. Radio call number;

11. Vehicle number (if applicable);
12. Vehicle decal number;
13. Odometer starting and finishing mileage and the total miles driven during the period (if applicable);
14. Mileage and time clock , if applicable;
15. Personnel driving the vehicle during the response.

**NOTE:** The above items are considered basic information, and the responding personnel shall make an effort to describe any other details or information that his/her assigned component requests.

- D. Supervisors having the responsibility of review/approving the responding personnel's daily activity report, shall check for any needed corrections or incomplete information, before signing the report. If the report is not approved for some reason, the report shall then be returned immediately to the reporting personnel to be corrected.

#### **12.80.030 Specific Provisions**

- A. The following instructions shall be adhered to upon completion of the MNPD Form 253, Officer's Daily Activity Report:

1. All information required shall be entered in the appropriate blocks/sections provided.
2. All other specific information, if applicable, shall be entered in the appropriate blocks/sections provided as described herein:

- a. Calls for Service Disposition Codes

The following codes shall be entered in the appropriate blocks provided upon the completion of all applicable calls for service or administrative activities.

- (1) Disposition Codes:

Disposition Code Numbers describe the type of action taken in response to a call for service and shall be entered in the indicated "Code No." block at the right of the call's description entry.

**CODE MEANING**

- 1 – MNPD Report Completed
- 2 – Arrest
- 3 – Citation
- 4 – Assist Citizen
- 5 – Gone on Arrival
- 6 – Assist Another Unit
- 7 – Advisory/Notice Form Given
- 8 – Advised in Civil Case
- 9 – Subject Warned
- 10 – No Response
- 11 – Disregard/Signal 9
- 12 – Location/Building Secure
- 13 – False Call
- 14 – Assistance Refused
- 15 – Community Policing Activity

**NOTE:** Before indicating a "False Call" Disposition Code, the responding personnel shall have attempted to verify the call as such, by checking the dispatched location, call-back number(s), adjacent addresses, etc.

**(2) Incident Identifier Codes:**

Incident Identifier Code Letters subdivide the description of Disposition Codes in specific types. These letters shall be entered in the blocks provided adjacent to the existing Disposition Code Number blocks whenever applicable to incidents involving Disposition Code Numbers 1-9. Disposition Code Numbers 10-14 shall not receive an Incident I.D. Code Letter.

**CODE MEANING**

- A – Alarm
- B – Bank/Security Escort
- C – Complainant/Victim
- D – Domestic Disturbance
- E – Emergency Escort
- F – Felony
- J – Juvenile
- M – Misdemeanor
- P – Psychological Evaluation

R – Traffic, Radar used  
S – Suspect/Subject  
T – Traffic/Directed Traffic  
V – Vehicle Assistance  
W – Warrant Assistance Escort

**NOTE: \*The Incident I.D. Code Letter "D" (Domestic Disturbance)** shall supersede all other Incident Identifier Code Letters whenever an incident involves a domestic situation that involves the Disposition Codes 1- "MNPD Report Completed", 2- "Arrest", and 6-"Assisted Other Unit" only. For example, if there was an arrest made during a domestic violence situation, the applicable Disposition Code Number and Incident I.D. Code Letter would be "Code 2-D". Not "2-M" or "2-F", as for arrests made that did not involve a domestic situation.

**\*\* The Incident I.D. code Letter "J" (Juvenile)** shall be entered in situations involving a juvenile. For example, the responding officer arrests a juvenile for either a misdemeanor or felony offense. The incident for an adult arrested, (if not involving a domestic), would be identified by the code Number and Letter of either 2-M or 2-F. But a juvenile shall receive the Code Number and Letter of 2-J, and so on.

**NOTE: The Juvenile Warning Citation shall be considered the same as the State and Metro Misdemeanor Citation, by classifying it as an arrest of the suspect.**

**IMPORTANT: All other Incident Identifier Code Letters shall be entered whenever applicable. However, not all incidents can receive an Identifier Code Letter due to the fact that they are not applicable. In these cases, place a "dash mark" in the block provided. When an Incident Identifier Code Letter is entered, there is no need to explain in writing the disposition specifics if it can be explained by the Incident I.D. Code Letter. In these cases, if there is no other written description required, place a "dash mark" in the space provided for disposition specifics.**

b. Daily Activities Total Section:

The Daily Activities total section shall be completed by entering the total number of activities in the corresponding "Total" block provided. If an activity was not responded to, place a "dash mark" in the applicable block. (for detailed information on activity counting refer to Title 12.50, Uniform Activity Counting of this manual.

c. Odometer Reading Section:

The odometer reading section shall be completed as follows:

- (1) Enter the vehicle's odometer "Starting" mileage, (whole miles only), in the space provided;
- (2) Upon completion of the daily period, (24 hours), enter the "Finish" mileage, (whole miles only), in the space provided;
- (3) Then subtract the two entries and enter the "Total Miles" driven in the space provided;
- (4) If applicable, check any box(es) indicating that the vehicle was parked, in the garage or on special assignment. To indicate any other reason the vehicle, or personnel was out of service, describe in the report's call's description entry.

d. Emergency/Investigation Supplies Used Section:

The Emergency/Investigation Supplies Used section shall be completed by entering any item(s) used or lost/destroyed from either the issued emergency medical, or investigation kits; or when the issued fire extinguisher is used, so that the item(s) may be replaced. If no item is used or items have not been issued, check the N/A box provided in the section's identifier.

e. Call's Description Section:

The Call's Description Section consist of the following entries and shall be entered as described below:

- (1) Time Received Call: Upon receiving call/assignment;
- (2) Time Completed Call: Upon completion of the call/assignment;
- (3) Officer Driving: At time of response;
- (4) Communication Code: Upon receiving call/assignment;

- (5) Location of Call: Upon receiving call/assignment
- (6) Complaint No(s) and/or Citation No(s): Upon completion of the call/assignment;
- (7) Disposition Specifics: Upon completion of the call/assignment;
- (8) Code Number: Enter the Call for Service Disposition Code Number upon the completion of the call/assignment;
- (9) Code Letter: Enter the Call for Service Identifier Code Letter upon completion of the call/assignment.

B. Personnel requesting a complaint number and/or informing the dispatcher of the Call's Disposition Code Number shall be accomplished in the following manner:

- 1. Advise the dispatcher that your unit is 10-98 or 10-99 with a code-applicable code number and letter;
- 2. The dispatcher shall then acknowledge the transmission and give the requesting unit the complaint number.

**NOTE:** Before transporting prisoners, suspects or assisting persons of the opposite sex of the transporting personnel, personnel shall request a time check for the dispatcher and notify the dispatcher of the vehicle's starting mileage (whole and tenths of miles). At the trip's destination, the personnel shall request a time check from the dispatcher and notify the dispatcher of the vehicle's ending mileage (whole and tenths of miles). The mileage and time check information shall be recorded in the "Disposition Specifics" space as shown in the sample Officer's Daily Activity Report.

## **12.90 Daily Dissemination of Stolen Vehicle Information**

### **12.90.010 Purpose**

This policy establishes a procedure for the daily dissemination of stolen vehicle information. Such information shall be disseminated to all field officers at least once per shift. This procedure shall not take the place of routine broadcasts of stolen vehicles by Communications Dispatchers.

### **12.90.020 General Provisions**

- A. Every day, approximately thirty minutes prior to each patrol shift change, a member of the Emergency Communications Center designated by the shift supervisor, shall collect all hard copies of A.P.B. stolen vehicle information. This should be stolen vehicle information received during that particular shift period.
- B. The ECC operator shall bring up a preset format on a terminal linked with the Patrol precincts. The following information will be entered: Vehicle make, model, year, color, license number, VIN, and location of the theft.
- C. Once all the information has been entered, the operator will then transmit it to the Patrol precincts.
- D. Upon receiving this information on a terminal, Patrol and traffic supervisors shall print this information. This stolen vehicle information shall be made available during roll call. Depending upon time available, the information should be read by the supervisor, posted conspicuously on a bulletin board, or both. It shall also be the Precinct supervisors' job to make sure these printouts are removed from the bulletin board once the information is outdated.



## **12.100 Expungement of Arrest Records**

### **12.100.010 Purpose**

The purpose of this policy is to establish procedures for the administrative expungement of arrest records within the Metropolitan Police Department.

### **12.100.020 Definitions**

A. The following definitions apply within this policy:

1. **"Administrative expungement of arrest records"** means the total removal and destruction of all arrest records, within the Metropolitan Police Department, of a person who has been charged with a misdemeanor or a felony.
2. **"Judicial expungement of arrest records"** means the removal and destruction of all public records of a person who has been charged with a misdemeanor or a felony, where the charge has been dismissed, or a no true bill returned by a grand jury, or a verdict of not guilty returned by a jury, or a conviction which has by appeal been reversed.
3. **"Law enforcement personnel"** means personnel employed by federal, state, and local government agencies with specific law enforcement authority. Specifically excluded from this definition are private investigative/security agencies, the general public, and officials of government agencies not actually charged with law enforcement responsibilities.

### **12.100.030 Policy**

- A. It shall be the policy of the Metropolitan Police Department that no person shall be eligible, nor considered, for an administrative expungement of their arrest record(s) unless that person has previously obtained a judicial expungement of that record pursuant to TCA 40-32-101 or 40-15-106 from the court(s) having jurisdiction in such previous action(s).
- B. Any person requesting an administrative expungement of records shall be responsible for providing whatever information the Chief of Police may deem necessary in order that the Chief may make a fair determination as to whether the request should be approved or disapproved.

- C. The Chief of Police or his designee shall, in the exercise of sound discretion, make a determination as to whether the arrest record(s) shall be administratively expunged. In making this determination the Chief may consider, but is not limited to, the following criteria:
1. Whether the person was factually innocent of the charge;
  2. Whether the person has any other record of arrest(s);
  3. The circumstances surrounding the arrest including but not limited to the intent of the person and the seriousness of the matter;
  4. The person's employment;
  5. The possible effect of the arrest record on the person's present or future employment;
  6. The age of the person;
  7. The recommendations of the private prosecutor, the victim of the offense and the police investigator, if available;
  8. The recommendation of the district attorney general; and
  9. The thoroughness and integrity of the person's affidavit explaining the incident and the need for the administrative expungement.

#### **12.100.040 Procedures**

- A. Any person requesting an administrative expungement of arrest records from the Metropolitan Police Department files will complete MNPD Form 081 in its entirety and file it with the commander of the Records Division. Any additional documentation which may tend to support this request may be attached.
- B. Additionally, any person requesting an administrative expungement of arrest records will provide, along with that request, a copy of the court order granting a judicial expungement
- C. The commander of the Records Division, or his designee, will make formal inquiry of the Office of the District Attorney General for a recommendation as to whether the request for administrative expungement should be approved.
- D. If possible, the commander of the Records Division, or his designee, will contact the victim, police officer, or other prosecutor in the case,

inform them of the request and advise them that they may submit a written statement expressing approval or opposition to the request.

- E. The commander of the Records Division will then forward the request and its accompanying documentation to the Chief of Police for consideration.
- F. The Chief of Police will approve or disapprove the request as per the criteria set out in 12.130.030(C) of this policy and return the request to the commander of the Records Division.
  - 1. If approved, the commander of the Records Division will authorize the removal and destruction of the arrest records as per 12.130.050.
  - 2. If disapproved the commander of the Records Division will inform the person making the request that the request has been disapproved.

#### **12.100.050 Administrative Expungements**

Upon receipt of a request for administrative expungement of arrest records approved by the Chief of Police, the commander of the Records Division shall cause all such records maintained within the Department to be destroyed. A notation of such action will be made upon the request and the request itself will be sealed and maintained in the office files of the commander of the Records Division and may be opened only by order of the Chief of Police.

#### **12.100.060 Judicial Expungements**

- A. Any arrest record that has been judicially expunged, but maintained as a part of the files of the Metropolitan Police Department, shall be marked "EXP." Those records are not open to the public and under no circumstances will they be released to anyone except law enforcement personnel to be used for law enforcement purposes only.
  - 1. However, pursuant to TCA 40-32-101(c)(3), release of arrest histories of a defendant or potential witness in a criminal proceeding to an attorney of record in the criminal proceeding shall be made to such attorney upon request. The attorney must submit the request by completing MNPDP Form 082 in full.
- B. Release of judicially expunged records or the information from these records in a manner inconsistent with this policy is a violation of

Metropolitan Police Department rules and regulations and is also a criminal offense (TCA 40-15-106).

**12.110 MNPD Form 146, Citizen Information Notice**

All sworn personnel completing either the MNPD Form 100 or 100-A, "Offense Report", or the TSD-SR-1 Form, "Tennessee Uniform Traffic Accident Report", shall complete and issue the MNPD Form 146, "Citizen Information Notice" card, to the complainant, victim(s), and/or all other persons involved in the incident report who wish to receive the informational card, such as prosecutors, drivers, witnesses, etc., except suspects.

When completing the notice for the above reports, the reporting officer shall check the "A report of your incident has been completed" box provided, unless the officer is unable to complete a report of the incident due to the lack of any reporting person(s) on the scene. In that instance, the reporting officer shall check the "Not able to complete a report, please call 862-8600" box provided and post the notice card in a conspicuous location. The reverse side of the notice card also provides for "Crime-Stoppers" information and other departmental assistance telephone numbers.

## **Title 13: Vehicle Operations**

### **13.10 Vehicular Pursuit, Rolling Roadblocks, Vehicle Blocking & Jam**

#### **13.10.010 Policy**

- A. Vehicular pursuit of fleeing suspects presents a danger to the lives of the public, officers, and suspects involved in the pursuit. It is the policy of the Metropolitan Nashville Police Department (MNPd) to protect all persons' lives to the extent possible when enforcing the law.
- B. The decision to initiate a pursuit must be based on a reasonable assessment that the immediate danger to the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large.
- C. The policy of the Metropolitan Nashville Police Department (MNPd) is that no pursuit shall be automatically approved or denied. Each pursuit should be evaluated on the facts and circumstances of that particular incident. The supervising unit shall develop clear and articulable reasons to pursue or not to pursue in every instance by following the guidance throughout this directive.

#### **13.10.020 Definitions (for the purpose of this directive)**

- A. **Emergency Unit:** A clearly marked, four wheeled police unit fully equipped with all emergency equipment including blue lights and siren.
- B. **Initiating/Primary Unit:** The police unit that initiates a pursuit or any other unit that assumes the lead position.
- C. **Pursuit Termination Device:** A device that, when driven over, is designed to puncture and deflate a vehicle's tires at a controlled rate.
- D. **Roadblocks:** A barricade or other obstruction across a roadway set up to stop or prevent the escape of a fleeing vehicle.
- E. **Secondary Unit:** The backup unit following the primary unit.
- F. **Serious Violent Felony:** A felony in which an officer has probable cause to believe the individual to be arrested has committed involving the infliction or threatened infliction of serious bodily injury. (Reference T.C.A. Section 39-11-620)

**G. Authorizing Supervisor:**

1. The initiating unit's on-duty supervisor.
2. The next available on-duty supervisor in the event that the initiating unit's regular supervisor is out of service or unavailable.
3. The on-duty supervisor responsible for the district/precinct where the pursuit was initiated, if the initiating officer is off duty or outside his/her area of command.
4. Personnel responsible for approving, reviewing, and controlling the pursuit.

**H. Terminate a Pursuit:** Immediately reduce speed to the legal speed limit and comply with all applicable traffic laws. Turn off all emergency equipment. Officers shall not continue to pursue the suspect vehicle, nor may they violate any traffic laws or regulations in an effort to catch up to, or parallel the suspect vehicle, unless authorized by a supervisor. Officers shall make every effort to present an appearance to the suspect(s) that the police are no longer pursuing.

**I. Vehicular Pursuit:** An active attempt by an officer in an authorized emergency vehicle to apprehend fleeing suspects who are attempting to avoid apprehension through evasive tactics.

**J. Rolling Roadblock:** The placement of one or more police vehicles directly in front of the fleeing vehicle and directly behind the fleeing vehicle, in order to cause it to slow and/or stop. This is sometimes done by one vehicle, swerving back and forth from lane to lane (difficult, as it requires anticipation of the violator's movements), and sometimes by two or three vehicles, moving along the highway in echelon or abreast.

**K. Emergency Roadblock:** a barricade or other obstruction across a roadway set up to stop or prevent the escape of a fleeing vehicle.

**L. Vehicle Blocking:** is the positioning of a police vehicle in the path of a stationary occupied subject vehicle where contact between the vehicles is not anticipated or is anticipated to be minimal. The intent of blocking is to prevent the escape of a subject by utilizing a vehicle to block the path of the occupied subject vehicle should the subject attempt to flee.

**M. Vehicle Jam:** is a supervisor approved, pre-planned containment tactic that uses positioning of a police vehicle in the path of a stationary

occupied subject vehicle where contact between the vehicles may be anticipated. This tactic is limited for use by specialized units whose members have received departmental training. The purpose is to render a vehicle immobile so that subjects can be taken into custody while minimizing the opportunity for use of the vehicle for evasion.

### **13.10.030 Pursuit Procedures**

- A. Members may initiate a vehicular pursuit when **all** of the following criteria are met:
  - 1. A vehicle fleeing from a police officer on a public street is demonstrating a disregard for the safety of others; no matter what the offense, be it a serious felony or a minor regulatory offense;
  - 2. The suspect operating the vehicle refuses to stop at the direction of the officer; and
  - 3. The suspect, if allowed to flee, would present an imminent danger to human life or cause serious injury.
- B. Evaluating the Circumstances
  - 1. The pursuing officer shall consider the following factors in determining whether to initiate pursuit:
    - a. The performance capabilities of the pursuit vehicle and the vehicle being pursued;
    - b. The condition of the road surface upon which the pursuit is being conducted;
    - c. The amount of vehicular and pedestrian traffic in the area;
    - d. Weather conditions;
    - e. The threat posed by the suspect if not immediately apprehended; and
    - f. The chance of apprehending the suspect(s) at a later date/time.
  - 2. The extent or continuation of a pursuit must be re-evaluated as it progresses. Termination shall be considered as conditions change (i.e. dangerous speeds in traffic, entering a school zone, the weather becomes adverse).



3. In determining whether to initiate or continue a pursuit, officers and supervisors shall continually weigh the risk of injury to innocent third parties against the interest in the immediate apprehension of the suspect using the factors listed in (B) (1). Once a pursuit has been initiated, the balancing of these factors shall continue until the pursuit is terminated. A suspect's actions to evade pursuit, such as erratic driving, speeding, or unwillingness to stop, shall be considered minor offenses in evaluating whether to continue or terminate a pursuit.
4. A pursuit should generally be terminated where the subject's actions appear to be motivated merely by a desire to evade apprehension absent some further facts justifying continuation of the pursuit.
5. MNPd personnel shall be aware that in some instances the suspect driver may not immediately recognize that the officer is attempting to make a stop, or may be looking for a well-lit area before stopping. Such an incident would not be classified as a pursuit.

**C. Initiating/Primary Officer's Responsibilities**

1. The pursuing officer shall immediately notify the appropriate Emergency Communications Center (ECC) dispatcher that a pursuit is underway. The officer shall provide the following information:
  - a. Unit identification;
  - b. Location, speed and direction of travel of the fleeing vehicle;
  - c. Description and license plate number, if known, of the fleeing vehicle;
  - d. The number of occupants in the fleeing vehicle and descriptions, where possible, and, if possible, a description of the occupants; and
  - e. The facts and circumstances that caused the pursuing officer to attempt a stop and decision to pursue.
2. Should a hostage be involved, this fact, along with a description and the exact location of the hostage in the vehicle shall be broadcast, if known.
3. An unmarked unit, motorcycle unit, van, or truck may initiate a pursuit. However, such vehicles shall abandon the effort immediately when an emergency unit assumes the position of primary unit. Such initiating units shall monitor the pursuit until it is

terminated. They shall then proceed to the termination point to affect the arrest for the offense that necessitated the pursuit.

4. The primary unit officer shall complete all necessary reports on the police action he/she took.
5. The primary pursuit unit shall reduce the level of pursuit to that of support or backup unit when:
  - a. The fleeing vehicle comes under the surveillance of an air unit;  
or
  - b. Another vehicle has been assigned primary pursuit responsibility.
6. Any primary or backup unit sustaining damage to, or failure of essential vehicular equipment during pursuit shall not be permitted to continue in the pursuit. The unit shall notify the ECC so that another unit may be assigned to the pursuit.
7. The initiating/primary officer in a pursuit, after providing information about the pursuit (e.g. location, speed, direction of travel of the fleeing vehicle, and facts surrounding the pursuit), shall contact his/her supervisor for authorization to either continue the pursuit or to discontinue the pursuit. If an appropriate supervisory unit **does not affirmatively authorize** the continuation of the pursuit, the initiating/primary officer **shall discontinue** the pursuit.

#### D. Secondary Unit Responsibilities

1. This backup unit or support unit shall also be an emergency vehicle.
2. This unit will advise the ECC dispatcher that he/she will be the secondary unit subject to approval by an authorizing supervisor.
3. This unit shall follow the primary unit at a safe distance and be ready to assume the primary unit's position should the primary unit be unable to continue the pursuit.
4. At the termination point, the backup officer shall assist in apprehending the suspect(s).

#### E. Dispatcher's Responsibilities

After being advised of a pursuit, pursuant to Emergency Communications Center policies and procedures, dispatchers will do the following:

1. Clear the radio channel of all non-emergency traffic;
2. Immediately advise a supervising unit of essential information regarding the pursuit;
3. Obtain vehicle checks if the license plate number is known;
4. Criminal history checks may be requested by supervisory personnel if the suspect is known;
5. Coordinate and dispatch backup assistance and air support units under the direction of the authorizing supervisor;
6. Advise pursuit vehicles of any known hazard in the path of the pursuit (i.e. accidents, street closures, or repairs, et cetera);
7. Transmit all information pertinent to the pursuit to other police units on applicable frequencies;
8. Notify neighboring jurisdictions, where practical, when the pursuit may extend into their locality;
9. If an air unit is available, request response to the pursuit area;
10. Maintain communications with the pursuing units and supervising unit, as well as, repeat locations, direction of flight, and descriptions;

**NOTE:** Supervisory personnel may request the dispatcher not repeat the officer's transmissions for officer safety reasons.

11. Through the Computer Aided Dispatch system, record all times, unit numbers, and vital information;
12. If there are priority calls pending and/or other officers are involved in potentially volatile situations, the monitoring ECC supervisor may elect to shift units not involved in the pursuit to another frequency. The dispatcher shall clearly broadcast this change; and
13. Announce the termination point and call for any support personnel requested. Resume normal transmissions once the authorizing supervisor or a unit participating in the pursuit advises the situation has stabilized.

#### F. Supervising Unit's Responsibilities

1. Upon notification that a vehicle pursuit is in progress, the supervising unit shall **immediately** acknowledge the pursuit and assume responsibility for the authorization of the pursuit to continue or not, monitoring radio communications, and maintaining control of the pursuit as it progresses.

2. The authorizing supervisor shall develop clear and articulable reasons to pursue or not to pursue in each instance.
3. If the on-duty supervisor is out of service, the next available on-duty supervisor will respond and either authorize the pursuit to continue, or direct the initiating/primary officer to discontinue the pursuit.
4. Pursuits initiated by officers outside their area of command or while off duty will be under the control of the supervisor responsible for the district/precinct where the pursuit was initiated.
5. The authorizing supervisor shall continuously review the incoming data to determine whether the pursuit should be continued or terminated.
6. The authorizing supervisor may approve and assign additional backup vehicles or air support units to assist the primary and backup pursuit vehicles based on an analysis of:
  - a. The nature of the offense for which the pursuit was initiated;
  - b. The number of suspects and any known propensity for violence;
  - c. The number of officers in the pursuit vehicles;
  - d. Any damage or injuries to the assigned primary and backup vehicle or officers;
  - e. The number of officers necessary to make an arrest at the conclusion of the pursuit; and
  - f. Any other clear and articulable facts that would warrant the increased hazards caused by numerous pursuit vehicles.
7. In controlling the pursuit, the authorizing supervisor shall be responsible for the coordination of the pursuit as follows:
  - a. Directing pursuit vehicles or air support units into or out of the pursuit;
  - b. Redesignating of primary, support or other backup vehicle responsibilities;
  - c. Approval or disapproval, and coordination of pursuit tactics; and
  - d. Approval or disapproval to leave this jurisdiction to continue the pursuit.
8. If a supervisor is directly involved in a pursuit (either primary unit, secondary unit or deploying stop strips), he or she shall not be the supervising unit to decide if the pursuit should continue or be terminated.

9. The authorizing supervisor shall respond immediately to the termination point and assume responsibility for any police action at the scene.
10. Ensure all proper reports are completed and notifications are made.

**13.10.040 When to Terminate the Pursuit**

- A. A decision to terminate pursuit may be the most rational means of preserving the lives and property of the public, the officers, and suspects engaged in pursuit. The pursuing officer, the authorizing supervisor or any supervisor in the pursuing officer's chain of command may terminate a pursuit. The primary unit and the authorizing supervisor shall continually re-evaluate the pursuit situation based upon all the initiating factors and shall terminate a pursuit whenever he or she reasonably believes the risk associated with the continued pursuit outweighs the benefit of making an immediate apprehension.
- B. Pursuit shall be immediately terminated in any of the following circumstances:
  1. Weather or traffic conditions (both vehicular and pedestrian) substantially increase the danger of pursuit beyond the worth of apprehending the suspect;
  2. The condition of the road surface becomes hazardous;
  3. The distance between the pursuit and fleeing vehicles is so great that further pursuit is futile;
  4. The danger posed by continued pursuit to the public, the officers, or the suspect is greater than the value of apprehending the suspect(s); and/or
  5. If the identity of the suspect is known, the immediate apprehension is not necessary to protect the public, and apprehension at a later time is feasible.
- C. The pursuing officer shall relay this information to ECC personnel, along with any further information acquired that may assist in an arrest later.
- D. If a supervisor orders the termination of a pursuit, all officers directly or indirectly involved shall immediately reduce speed to the legal speed limit, comply with all applicable traffic laws, and turn off all emergency equipment. Officers shall not continue to pursue the suspect vehicle, nor may they violate any traffic laws or regulations in an effort to catch up to, or parallel the suspect vehicle, unless authorized by a

supervisor. Officers shall make every effort to present an appearance to the suspect(s) that the police are no longer pursuing.

**13.10.050 Forcible Stopping**

- A. The following methods of stopping a fleeing vehicle shall not be attempted:
  - 1. Driving along the side of or in front of the fleeing vehicle in an attempt to force the vehicle from the roadway; and/or
  - 2. Bumping or ramming the fleeing vehicle in an attempt to force it from the roadway.
- B. Pursuit Termination Devices
  - 1. Before using any pursuit termination device, an employee must have successfully completed MNPD approved training on the use of the pursuit termination devices.
  - 2. Pursuit termination devices may be utilized to terminate a pursuit, or in non-pursuit situations, when a driver refuses to stop and presents an immediate danger to others. An example of immediate danger would result from a person driving on the wrong side of a divided highway and other attempts to stop the vehicle have failed.
  - 3. Under no circumstances shall pursuit termination devices be used against a motorcycle or three-wheeled vehicles unless the use of deadly force is justified.
  - 4. Unless substantial risk to the public is imminent and apparent by not terminating a pursuit, pursuit termination devices shall not be used against:
    - a. School buses transporting passengers;
    - b. Buses transporting passengers;
    - c. Trucks transporting explosives or other hazardous materials;
    - d. Vans transporting passengers; and
    - e. Any other vehicle, which could reasonably be expected to be above normal risk of causing serious damage or injury.
  - 5. Reasonable efforts shall be made to avoid using pursuit termination devices on road surfaces that have in the immediate vicinity:
    - a. Standing water;
    - b. An exceptionally rough surface; and/or

- c. Other unique characteristics or circumstances, which would indicate a foreseeable increase in the risk of a serious crash.
- 6. Pursuit termination devices should be deployed in areas with unobstructed views of the roadways from both directions to aid in deployment and lessen the possibility of a crash. The safety of officers while deploying pursuit termination devices must also be considered in selecting a deployment location.
- 7. Once the pursuit termination device is in place; everyone at the scene should seek a secure location away from the path of the fleeing vehicle. Protection should be sought from barriers constructed in a manner capable to offer adequate protection to the on-scene officers. Deploying personnel should use their patrol unit for protection only as a last resort.
- 8. When the fleeing vehicle has passed the device's location, the pursuit termination devices spikes shall be retrieved so the pursuing vehicles may pass. The roadway shall be free of moving traffic before any attempt is made to remove the device/device debris from the roadway.
- 9. Documentation of Deployment
  - a. Deployment Resulting from a Vehicle Pursuit:  
Any and all use of the pursuit termination devices, during the course of a vehicle pursuit, shall be documented on a MNPD Form 116 Vehicle Pursuit Critique report and forwarded to the appropriate bureau commander via the chain of command.
  - b. Deployment for Other Purposes:  
Preemptive deployment (vehicle block, warrant service, etc.), not involving or contemporaneous with a vehicle pursuit, shall be documented on an appropriate MNPD form (e.g. Incident Report for legal intervention when preemptive deployment results in a puncture; preemptive deployment without use may be referenced in arrest report, incident report, etc.). Supervisors reviewing these reports shall review documentation of such preemptive deployments for use consistent with training and policy.

#### **13.10.060 Roadblocks, Vehicle Blocking & Vehicle Jam**

##### **A. Training**

All training with emergency roadblocks, rolling road blocks, vehicle blocking and vehicle jam techniques will be conducted with Training

Division approved lesson plans and documented by established methods.

**B. Deployment Requirements:**

Deployment of these tactics will be used only in accordance with policy and department training.

**C. Vehicle Blocking**

The officer has reasonable belief the subject has committed a crime and may use the vehicle to flee.

**D. Vehicle Jam**

May be used by specialized units who have gathered intelligence on a specific subject(s) requiring the application of the tactic based on the subjects potential for violence, disregard for public safety and/or to prevent a potential vehicle pursuit. Supervisor authorization should be sought, unless exigent circumstances exist, prior to attempting a vehicle jam.

**E. Rolling Roadblock**

This method should only be used as a last resort on a violator who is maintaining a legal speed or less but is willfully failing to yield to the officer's signal to stop.

**F. Emergency Roadblock**

The following methods of stopping a fleeing vehicle shall not be attempted unless authorized by a supervisor and then only as a **LAST RESORT** to apprehend a fleeing suspect who shows total disregard for his/her safety and the safety of others:

**G. Deployment Requirements**

Deployment of these tactics will be used only in accordance with policy and department training.

**H. Emergency Roadblocks**

A barricade or other obstruction across a roadway set up to stop or prevent the escape of a fleeing vehicle. Restrictions:



1. All roadblocks must be set up in a conspicuous manner, giving the fleeing driver the opportunity to stop if he/she chooses to do so. Every effort also should be made to divert other vehicular and pedestrian traffic away from the area of the roadblock.
2. Roadblocks should be located so that the visibility of oncoming traffic and the driver's reaction time is not impaired. There should also be an open avenue of escape in order to avoid unnecessary damage to persons or property in the vicinity of the roadblock.
3. Occupied vehicles and/or private vehicles shall not be used as a roadblock.
4. Marked police vehicles may be used for a roadblock if no other suitable equipment is available. Blue lights, headlights, spot lights, and emergency flashers shall be used on marked vehicles to form a roadblock. All relevant information concerning the roadblock will be relayed over the police radio to all vehicles involved in the pursuit.
5. Officers should exit the marked police vehicles used in the roadblock. They shall maintain cover at a safe distance between themselves and the roadblock vehicle(s).
6. Officers shall not solicit the assistance of civilians or their vehicle(s) in an effort to slow down or stop a pursued vehicle.

#### **I. Deployment Considerations**

Officers will consider the safety of the public and subjects before utilizing these tactics.

1. Environmental factors:
  - a. Areas with pedestrians;
  - b. Other vehicle traffic;
  - c. Parked vehicles;
  - d. Telephone/utility poles;
  - e. Bridges;
  - f. Areas adjacent to paved roads with a large elevation change.
2. Subject factors:
  - a. The threat posed by the suspect if not immediately apprehended;
  - b. The chance of apprehending the suspect(s) at a later date/time;
  - c. Seriousness of the crime;

- d. Number of subjects and their reasonable relationship, or lack thereof, to a criminal act;
  - e. Subject(s) known to have or has access to firearms;
  - f. Potential of the subject to use the vehicle as a weapon;
  - g. Potential of a tactical disadvantage due to close proximity of the subject(s);
  - h. Potential of creating a crossfire situation;
  - i. Size/weight of the subject's vehicle compared to the police vehicle
3. Consistent with established use of force policy, employees shall not knowingly place themselves in a position where they would be in jeopardy of being struck by a suspect vehicle or knowingly stand and/or step into the path of a vehicle, creating circumstances where the use of deadly force may be necessary.

## **J. Supervisory Considerations**

1. **Emergency and Rolling Roadblock:** Supervisory approval is required prior to initiation. In determining whether to initiate or continue a rolling roadblock, officers and supervisors shall continually weigh the risk of injury to innocent third parties against the interest in the immediate apprehension of the suspect using the factors listed in the vehicular pursuit guidelines.
2. **Vehicle Block:** Supervisors shall be notified of all vehicle block techniques prior to or as soon as practical after deployment. Supervisors shall order discontinuation of the vehicle block when the necessity for apprehension is outweighed by the dangers of the technique.
3. **Vehicle Jam:** This pre-planned tactic is not approved for routine use. Supervisors assigned to units authorized to use this technique will ensure all personnel operating department vehicles in authorized deployment have received departmental training.

Ensure that other reasonable options have been evaluated and use of the vehicle jam and possible suspect extraction is the most appropriate tactic considering all available information.

Supervisor shall be on scene and supervising the incident. Supervisors shall order discontinuation of the vehicle jam when the necessity for apprehension is outweighed by the dangers of the technique.

4. **Reporting:** The use of a rolling roadblock, vehicle block or vehicle jam technique shall be documented either in related reports or reports unique to the use of the technique as required herein. In circumstances where the officer initiates intentional vehicle contact, it is a reportable as an incident, typically as Legal Intervention. If the subject initiates vehicle contact and it is determined to be intentional, it will be reported as an incident. However, if the subject initiates vehicle contact and it is determined to be accidental, it will be reported as a crash

#### **13.10.070 Inter/Interjurisdictional Pursuits**

- A. When pursuits originate within this jurisdiction by members of this department and continue beyond this jurisdiction's boundaries, the primary officer must receive permission from his/her supervising unit before pursuing the suspect out of county. If permission is granted, the ECC supervisor shall advise the next jurisdiction's law enforcement agency. All pertinent information regarding the pursuit shall be relayed: the reason for the pursuit, vehicle and occupant description(s), et cetera. The other agency shall be asked to assume the primary position in the pursuit. Again, officers from this department must continually re-evaluate the pursuit.
- B. When a pursuit initiated by an outside agency enters this jurisdiction, that agency shall remain responsible for the progress and conduct of the pursuit as their agency's policy dictates. Notification by that agency of a pursuit shall not be construed as a request to join or otherwise assist in the pursuit.
- C. When another jurisdictional agency pursues a vehicle into Nashville/Davidson County and requests this department's assistance, a supervisory unit shall determine if the pursuit is within the Metropolitan Nashville Police Department's pursuit policy guidelines. If it is within the department's policy guidelines, the supervisor may approve assistance. If the other agency requests that a unit from this department assume the primary position, a supervisory unit must first approve this request. Otherwise, a unit from this department shall act as a backup unit.
- D. When Assisting Other Law Enforcement Agencies with Pursuits in Davidson County:
  1. If a single police vehicle from another jurisdiction continues a pursuit into, or initiates a pursuit within Davidson County, one Metropolitan Police Department unit and a supervisor may join the pursuit.

2. If two or more units from another jurisdiction are in the pursuit, Metropolitan Police Department units shall not join the pursuit unless directed by a supervisor.
3. If the police vehicle from another jurisdiction continues a pursuit into, or initiates a pursuit, in Davidson County and then the pursuit leaves Davidson County; all Metropolitan Nashville Police Department personnel shall cease involvement in the pursuit, unless the pursuit involves a serious violent felony (this excludes airborne air support units that may continue monitoring the pursuit with supervisory approval).
4. If a pursuit:
  - a. is initiated by another jurisdiction; and
  - b. involves a serious violent felony; and
  - c. cannot be maintained by any other jurisdiction; and
  - d. the pursuit leaves Davidson County, and
  - e. involves Metropolitan Nashville Police Department personnel;

All Metropolitan Nashville Police Department units shall cease involvement as soon as another jurisdiction's law enforcement officers can assume responsibilities for the pursuit.

#### **13.10.080 Pursuit Driving Guidelines**

- A. The following guidelines are presented to assist officers in conducting a pursuit in a safe manner:
  1. The police vehicle's emergency lights, siren, radio, brakes, steering, and other mechanical equipment must be in good operating condition in order to initiate or continue a pursuit.
  2. All police vehicles involved in a pursuit shall use emergency lights and sirens throughout the pursuit. Headlights shall be used both day and night.
  3. Officers engaged in a pursuit may proceed past a red light or stop signal but only after slowing down as may be necessary for safe operation. Officers must constantly be aware of other traffic and place his/her safety and the public's as a priority.
  4. Officers engaged in a pursuit may exceed maximum speed limits so long as life or property is not unduly endangered.

5. Officers with a prisoner or a civilian/citizen rider in their police vehicle shall not become involved in a pursuit.
6. There shall be no caravanning of units paralleling the pursuit or attempting to join the pursuit.
7. Unless directed by the authorizing supervisor, no more than two police vehicles may become actively involved in the pursuit.
8. Officers involved in a pursuit, or a unit paralleling the pursuit, shall not attempt to pass other units unless requested to do so by the primary unit or a supervisory unit involved in the pursuit.
9. Officers shall not pursue a vehicle on the wrong side of a controlled access highway.

**13.10.090 Reporting and an Administrative Review of the Pursuit, Roadblock, Vehicle Block or Jam**

- A. The authorizing supervisor shall conduct a critique session, preferably just prior to the next workday roll call but no later than three days following the pursuit, roadblock, vehicle block or jam. Both positive and negative aspects of the incident may be discussed as a training aid. Those participating in the critique session should include the shift commander, the authorizing supervisor, and officers that were involved in the incident.
- B. If a supervisor is the primary initiating unit in an incident, the supervisor's next highest-ranking supervisor shall conduct the critique session.
- C. The critique session shall be documented on MNPDP Form 116, Pursuit Critique if a pursuit; or other appropriate form if a roadblock, vehicle block or jam, and a comprehensive analysis of the incident shall be forwarded through the chain of command to the Chief of Police. A copy of a pursuit critique shall be sent to the Community Services Bureau commander in which personnel shall enter the data from the pursuit critique into the department computerized pursuit database.
- D. Personnel in the Strategic Development Division shall cause a review of the pursuit critique database and shall provide an annual documented analysis of pursuits to the Chief of Police. In conjunction with the annual pursuit analysis, a documented annual review of pursuit policies and reporting procedures shall be conducted. The analysis shall indicate if any patterns or trends are developing, and whether training and/or policy modifications are needed.

- E. If, during any critique or review conducted pursuant to the requirements herein, issues are identified which warrant consideration for revision of policy or training, a copy of such critique or review shall be forwarded to the appropriate Division commander.

## **13.20 MNPD Fleet Fuel Cards**

### **13.20.010 Purpose**

The purpose of this directive is to establish departmental procedures for the issuance and use of fuel cards by MNPD employees for departmentally issued vehicles.

### **13.20.020 Policy**

Metropolitan Government will issue fuel cards for each vehicle in the fleet. These fuel cards allow MNPD employees to fuel or wash their department issued vehicles at participating private gas stations which display the appropriate company fuel card logo. The use of this card will be monitored by Police Vehicle Operations (PVO) and reports submitted through appropriate chain of command.

MNPD Employees shall utilize the fuel card at participating locations only. There may be a small number of gas stations within the county that do not participate in the MNPD fuel card program. A list of participating and non-participating locations can be found on the Metro General Services website at the following location:

[http://www.nashville.gov/Portals/0/SiteContent/GeneralServices/docs/fleet/participating\\_vendors.pdf](http://www.nashville.gov/Portals/0/SiteContent/GeneralServices/docs/fleet/participating_vendors.pdf)

The preferred method of refueling metro vehicles is to utilize the closest participating Wright Express fuel station to the employee's location; thereby reducing the amount of time and travel the employee would be out of service or away from his/her area assignment for the purpose of refueling their vehicle.

### **13.20.030 General Provisions**

#### **A. Issuance of Fuel Cards**

1. Each vehicle in the MNPD fleet shall be assigned an appropriate company fuel card to be used at participating vendors **and** a Pro-Key to be utilized at any Precinct pumps.
2. Each vehicle in the MNPD fleet shall be assigned an appropriate company fuel card.

3. The vehicle decal number shall be printed on the fuel card.  
Generally, fuel cards shall only be used for the vehicle to which it is issued.
  - a. Under **emergency circumstances**, supervisors may use fuel cards assigned to their vehicles to refuel another MNPD vehicle.
  - b. The supervisor utilizing his/her fuel card shall document the circumstances of the emergency situation on an MNPD Form 104, Supplement Report and forward it to PVO no later than the beginning of that supervisor's next regular tour of duty.
  - c. The report shall include the vehicle information of the vehicle fueled, the personnel assigned to the vehicle being fueled, the date and location of the incident, and the reason the assigned card could not be utilized.
4. The fuel card **and** a Pro-Key issued to a departmental vehicle must remain with that vehicle. Personnel with vehicles assigned a fuel card and a Pro-Key should not carry the fuel card or key on their person. PVO shall provide a protective pouch in which to carry the issued fuel card and Pro-Key. The fuel card and Pro-Key secured in the vehicle glove box, or similar area so that the fuel card is always accessible to the current driver of the vehicle.

**B. Approved transactions**

1. Fuel and a limited number of car washes are the only transactions approved.
2. The fuel card shall only be used at participating locations which display the Wright Express logo. Generally, the logo will appear on the pump with other decals of approved payment options.
3. The fuel card will not work at non-participating locations.
4. Only "touchless" car washes are approved for use with the fuel card. Car washes shall be limited to a fifteen dollar (\$15) limit per month. Employees exceeding the monthly limit shall be financially responsible for any charges above the authorized limit.
  - a. "Touchless" car washes are those that do not utilize rotating or oscillating brushes or strips. Such washes damage equipment mounted on vehicles (antennas, light bars, etc.) and the vehicle's finish.



- b. To ensure personnel driving extra cars do not exceed the monthly fifteen dollar (\$15) limit on car washes. All car washes of extra cars shall require the approval of a detail supervisor. Car washes of extra cars will be logged in the vehicle log book.
- 5. As with fuel purchases, car washes may only be purchased at participating locations that accept Wright Express.
- 6. Employees shall be financially responsible for all unauthorized purchases utilizing the fuel cards. Unauthorized purchases shall also be grounds for corrective/disciplinary action. *(Violation of this provision shall vary depending on severity of offense: Category E-AA)*

**C. Authorized Fuel**

- 1. 87 octane fuel is the only authorized fuel type. Premium or other fuel types should not be used.
- 2. Any exceptions to this provision require appropriate supervisory and Police Vehicle Operations (PVO) approval. Exceptions may include but are not limited to:
  - a. Vehicles with special fuel requirements
  - b. Fuel shortages
  - c. Emergency situations

**D. An accurate odometer reading is required during every fuel transaction.**

- 1. If ambiguous information is recorded; the vehicle will be required to be brought to PVO for service to detect the malfunction.
- 2. PVO shall randomly monitor various aspects of the fuel card usage such as verifying odometer readings, types of fuel purchased, location of purchase, exact time, amount of fuel and who fueled the vehicle. Inconsistencies or unauthorized purchases that are found shall be reported through the appropriate chain of command.
- 3. Each transaction is recorded automatically and in real time. PVO can view every aspect of a transaction the moment it occurs.

**E. Employee assigned PIN Numbers**

1. Each MNPD employee has been assigned a PIN number to be utilized with the fuel card. Employees shall ensure proper safeguards are taken so that their assigned pin number is not utilized by unauthorized personnel.
2. Employees' unique PIN number shall be their six digit employee number that can be found on the top of their Metro paycheck.
3. Employees should not keep their PIN number and fuel card together. Employees shall not write their PIN number on the fuel card itself.

**F. Fuel Card Failures and Lost or Stolen Cards**

1. Employees are to notify PVO of all fuel card failures.
  - a. During regular business hours employees may phone the PVO Office.
  - b. After business hours, employees may email the commander of POV so that the information is received by the next business day.
2. Lost or stolen cards shall be reported immediately utilizing the following procedure:
  - a. Immediate notification to appropriate supervisor,
  - b. Notification to PVO
    - (1) During regular business hours employees may phone the PVO Office.
    - (2) After business hours, employees may email the commander of PVO so that the information is received by the next business day.
  - c. Complete appropriate documentation such as incident or supplement report.
  - d. A reasonable replacement fee may be charged to replace a lost or stolen fuel card.

## **13.30 Police Vehicle Policy and Procedures**

### **13.30.010 Policy**

It is the policy of the Metropolitan Police Department that all personnel adhere to the provisions herein regarding departmental vehicles.

### **13.30.020 Definitions**

The following terms are identified or defined as follows:

- A. **Emergency Equipment:** Visual and audible warning equipment of legal specifications concerning color, brightness, and audible intensity.
- B. **Emergency Operation:** Operating a vehicle while using all available emergency and warning equipment while responding to an emergency incident or call-for-service.
- C. **Emergency Vehicle:** A properly equipped vehicle, which has been authorized by the Chief of Police to engage in emergency operation, pursuant to state law and local ordinance.
- D. **Marked Vehicle:** A police vehicle which is conspicuously marked with the department's decals, and is fitted with emergency equipment via a roof-mounted lightbar. It should be noted that the department utilizes semi marked vehicles, such as DUI enforcement vehicles, that have visible police decals but utilize low profile or dash mounted lightbars or strobe lights. For the purposes of this policy such vehicles shall be classified as a "Marked Vehicle".
- E. **Special-Purpose Vehicle:** A vehicle used due to weather conditions, terrain, the need for inconspicuous appearance, quietness, storage requirements, special operational needs, etc. Includes, but is not limited to SWAT vehicles, bomb disposal vehicle, mobile communications vehicle, all terrain vehicles, boats, aircraft, prisoner transport vehicles, motorcycles, bicycles, and animals.
- F. **Unmarked Vehicle:** A police vehicle which is inconspicuous in appearance, and, depending on usage, may or may not be fitted with emergency equipment.

### **13.30.030 Prerequisites to Operate**

#### **A. Driver License**

1. All personnel must possess a valid Tennessee driver license in order to operate a departmental vehicle.
2. Any employee whose driver license is revoked, suspended, or canceled shall immediately cease operating departmental vehicles and notify his/her supervisor.
3. The supervisor shall notify the Chief of Police, via the chain-of-command, of the employee's driver license status. Notification will normally precipitate adjustment in the employee's work assignment pending resolution of the driver license status.

#### **B. Training**

1. All personnel must complete a Metro Government approved defensive driving course prior to operating a departmental vehicle. Sworn personnel will receive such training during recruit or in-service training.
2. Any employee failing to pass a driver training course will immediately lose authority to operate a department vehicle.
3. The Commander of the Training Division shall notify the failing employee's supervisor, who in turn shall notify the Chief of Police as described above, pending the employee successfully completing the course.
4. Metro Government approved driver training refresher courses shall be taken as required by the Office of Fleet Management or Metro Human Resources. Emergency vehicle operation refresher courses shall be taken as required by law.
5. Documentation of such training shall be maintained as part of the employee file in Police Human Resources or as part of the permanent training records maintained by the Training Division.

#### **C. Aircraft, Watercraft, Off Road Vehicles, and Other Equipment**

1. Those personnel assigned to operate departmental aircraft watercraft, off road vehicles or other equipment shall comply with the appropriate state and federal laws and regulations concerning safety courses, qualifications, and licensing.

2. All such personnel shall immediately notify their supervisor should restrictions or other conditions impact on their certification, license, or other authority to operate such aircraft or watercraft.
3. The supervisor shall notify the Chief of Police as described above, pending resolution of the matter.

#### **13.30.040 Authorization to Use**

The department will provide or assign vehicles for employees' use in assignments which necessitate the use of a vehicle. However, before any employee is allowed to operate a department vehicle, that employee's supervisor must confirm that the individual is qualified to do so (i.e.; licensing, training, etc.).

Use of a department vehicle shall be approved by a supervisor; unless the employee's rank, position, or assignment carries the implied authority to use a vehicle as needed (i.e., individual assigned vehicles).

Only authorized employees of the Metropolitan Government and/or the MNPd shall be allowed to operate a department/government vehicle.

##### **A. Component-Assigned Vehicles**

1. Component-assigned vehicles are for the use of all personnel in a given component. Component vehicles shall not be used in off-duty employment without prior approval of Chief of Police. Such vehicles shall be parked near the offices of such component, to facilitate their use as needed. Such vehicles are the responsibility of the Component Commander with regard to security, cleanliness, and maintenance.
2. The commander of components with shared or pool vehicles shall establish written guidelines that encompass all aspects of their operation and maintenance and compliance with the Office of Fleet Management policy and procedures regarding shared or pool vehicles.
3. The commander of components with special purpose vehicles shall establish written guidelines that encompass all aspects of their operation and maintenance.

## **B. Individual-Assigned Vehicles**

Individual-assigned vehicles are for the use of the individual to whom they are assigned. There are two-types of individual assigned vehicles: "Twenty-four hour" and "Official Business".

### **1. Twenty-Four Hour Vehicles**

Twenty-four-hour vehicles may be used by the individual to whom they are assigned on a twenty-four hour a day basis. Such personnel include:

- a. Chief of Police
- b. Bureau Commanders
- c. SWAT Team members
- d. Police Negotiator Team members
- e. "On-call" personnel

"On-Call" personnel are those individuals that are assigned to respond to incidents or calls for assistance outside of normal working hours for the component to which they are assigned. Lists of authorized on call personnel are maintained at the Emergency Communications Center.

- f. Others as authorized by the Chief of Police.

### **2. Official Business Vehicles**

Official business vehicles may be used by the individual to whom they are assigned while conducting official business. Such business includes to and from work, court/other hearings, meetings, training sessions, vehicle repair appointments, car washes, and when otherwise authorized by the Chief of Police or his/her designee.

- 3. Employees who are operating a police vehicle while off duty are bound by current policy regarding the performance of duty. This includes assisting stranded motorists or motorists involved in traffic accidents, responding to emergency calls if in the immediate vicinity, and taking appropriate action at other such incidents that require an immediate police response until an on-duty unit can respond.
- 4. Employees will sign for all individually-assigned vehicles. The employee assigned the vehicle will be responsible for maintenance, security, and cleanliness of the vehicle.

**C. Supervisory Authority**

1. Supervisors may issue vehicles under their control to subordinates whom they deem to be deserving of such individual assignment.
2. Supervisors shall employ sound judgment when assigning, or revoking, individual assignments. Factors such as work habits, driving record, disciplinary record, seniority, and past vehicle care, among others, shall be considered.
3. Supervisors may assign new vehicles into their components by whatever means he/she deems appropriate.
4. Supervisors may temporarily remove individual-assigned vehicles when the employee will be on an extended absence (sick leave, wounded, vacation, etc.) However, such supervisor then becomes responsible for the vehicle's security, cleanliness, and maintenance.

**13.30.050 Maintenance and Security**

- A. Departmental vehicles will be maintained in a state of readiness. All requests for service or repairs shall be coordinated through Police Vehicle Operations.
- B. All scheduled maintenance shall be arranged according to the schedule provided by the Motor Pool. Scheduled maintenance shall be the responsibility of the employee assigned the vehicle.
- C. All non-scheduled maintenance (repairs) shall be completed or arranged by the Motor Pool. Vehicles shall be driven or towed, as appropriate, for repairs. Service request forms shall be completed detailing the problem(s) with the vehicle.
- D. When a vehicle is left at any repair facility, all weapons will be removed from the vehicle. Failure to remove any/all weapons from a vehicle left for repair will be grounds for disciplinary action. Any reported incident of an employee leaving a firearm in a vehicle left for repair will be forwarded to the employee's Bureau Commander.
- E. Warranty work shall be arranged by the Motor Pool.
- F. At the beginning of the shift, or at refueling, all personnel shall inspect their vehicles. Such inspection shall include, at a minimum: oil and fluid levels, headlights, tail-lights, brake lights, turn signals, tires,

window/windshield glass, emergency equipment, spotlights, and other items the employee deems appropriate.

- G. When appropriate, employees will secure the vehicle when the vehicle will be out of sight of its operator(s); by removing the keys from the ignition, rolling up all windows, and locking all doors except when it is necessary to leave the vehicle idling for mechanical reasons or the health of a canine. This provision applies to on-duty personnel responding to calls-for-service, as well as off-duty personnel who have parked their vehicles.
- H. Employees shall not display any sign or sticker on the vehicle except those authorized by the department.
- I. All traffic crashes, theft from, or damage to a vehicle must be reported immediately to the appropriate supervisor and investigated in accordance with established department procedures. A traffic crash involving any department vehicle shall be reported on the Tennessee Uniform Traffic Crash Report. Reporting officers shall include the decal number of the vehicle in the narrative section. No Minor Traffic Accident Reports may be used on departmentally owned or issued vehicle.
- J. All vehicles will be refueled as necessary to assure that the fuel level does not fall below one-quarter (1/4) tank.
- K. Employees with an assigned vehicle who live outside Davidson County must park their vehicle at a Metropolitan Nashville Police Department facility that is in operation 24 hours a day, seven days a week unless otherwise authorized by the Chief of Police.
- L. Willful negligence on the part of an employee in the care, maintenance, or operation of an assigned vehicle or violation of any rules or regulations governing the use of said vehicle or other department policy may be grounds for revocation of the employee's assigned vehicle. Vehicles that come to the Metro Motor Pool for repairs and obvious abuse is discovered, i.e. low oil level or past scheduled oil change, unreported body damage, excessively worn tires or brakes rotors, and/or unclean vehicles will be reported to the employee's Bureau Commander.
- M. Metro motor vehicles are not exempt from tolls charged on highways or parking fees. Each individual operator is responsible to pay all tolls and fees and file for reimbursement with his/her individual agency as a part of the travel expenses.



- N. Employees operating Metro motor vehicles are responsible for doing so in a safe and lawful manner, and shall be responsible for the costs of traffic or parking tickets issued to the motor vehicle while assigned to the employee, except as specifically provided herein. (Refer to applicable provisions in 4.20.040, B).

### **13.30.060 Equipment**

#### **A. Fleet Standard Equipment**

1. The specifications for police vehicles and related equipment are maintained by the Police Vehicle Operations.
2. All purchases and/or installation of police vehicle equipment shall be approved by the commander of the Police Vehicle Operations.
3. Only departmental owned/authorized police equipment will be used in the performance of an employee's duties. No personally owned equipment will be used for traffic stops, emergency responses, or traffic/radar enforcement.

#### **B. First Responder Equipment**

1. First Responder Kits are the equipment and supplies that are available to enable emergency departmental vehicles to respond adequately to traffic accidents or other emergencies. The kit contains basic accident investigation equipment and emergency medical supplies. The contents of each kit will be stored in a large cold/heat resistant container which fits in the vehicle trunk. Medical supplies will be stored in a separate, smaller container within this larger container.
2. First Responder Kits will be issued to designated sworn employees that have the potential to respond to traffic accidents or other emergencies. Personnel (through rank of lieutenant) who are assigned to Community Services or Traffic Section and who are assigned a marked vehicle shall be assigned a First Responder Kit. Prior to issuance, they will receive training and instruction pertaining to the use of the equipment at annual in-service training or recruit training.
3. Prior to any issuance of equipment, Division Commanders shall provide the Inventory Management Section a list of employees under the Division Commander's command. This shall be accomplished by sending one blank copy of MNPd Form 255 or 255B, "Daily Attendance Report" to the Inventory Supply Section.

An updated blank copy of this report shall be sent to Inventory Supply Section at the beginning of each month thereafter. In instances where an employee's status changes (e.g., transfer, promotion, retirement, resignation, termination) and he/she no longer is authorized the First Responder equipment, the Division Commander will notify the Inventory Supply Section. It shall be the responsibility of each employee to see that the equipment is turned in to the Inventory Supply Section.

4. Individual employees shall be required to maintain and replenish all First Responder equipment and/or medical supplies on a continuing, as-needed basis.
  - a. Each employee shall document any use of emergency/investigation supplies on MNPDP Form 253C, "Daily Activity Report" in the section marked "Emergency/Investigation Supplies Used."
  - b. Supervisors who need to replace or replenish any needed supplies or equipment from their kits shall make documentation of such use on the reverse side of a subordinate's daily activity report.
  - c. Employees shall make a photo static copy of each daily activity sheet on those occasions where emergency/investigation supplies are used. The daily activity sheet(s) must be presented to the Inventory Supply Section when the need arises to replace or replenish any needed supplies or equipment. The activity sheet(s) will remain on file in the Inventory Supply Section for purposes of record keeping. Employees are not required to replace individual items on each occasion where used, but good judgment should be used to ensure that needed items are sufficient in quantity to carry out their duties and responsibilities. An exception to this would be in instances where the fire extinguisher is used. Fire extinguishers should be exchanged (for purpose of recharging) after each use. Fire extinguishers can be exchanged at the Metro Motor Pool.
  - d. In instances where supplies or equipment are damaged or destroyed, the employee's immediate supervisor must be notified. An MNPDP Form 100, "Incident Report" must be completed detailing the circumstances. A copy of this report must be presented to the Inventory Supply Section for replacement purposes. This copy will remain on file in the Inventory Supply Section for record keeping purposes.

- e. The Inventory Supply Section shall be responsible for the storage, security, and distribution of equipment. This section will requisition replacement supplies/equipment as needed and make sure an adequate inventory is on hand at all times for replacement purposes.

**C. Modification/Alteration**

1. Police Vehicle Operations is authorized to install an additional electrical connection for the operation of electronic equipment.
2. Before any modification or alteration of a department vehicle is initiated, MNPDP Form 430 (revised 4/97), Request for Police Vehicle Modification, will be completed by the employee requesting the modification or alteration. The form will be forwarded to Police Vehicle Operations for their inspection. If the request is approved by Fleet Management, the request will then be sent to the requesting employee. The employee will then send the request through their chain of command for approval or disapproval. The employee's Bureau Commander will have the final say. All modification or alteration work will be performed by the Metro Radio Shop, unless Police Vehicle Operations authorizes other arrangements. All employee owned antennas will be of the magnetic variety. No unauthorized holes for the installation of modified equipment will be drilled into the body of any department vehicle, and no personally owned electronic items will be electronically "hardwired" to the vehicle.
3. This written request shall proceed through the employee's chain of command up to the level of bureau commander. If the request receives non-approval at some stage of the chain of command, it shall still proceed to the next higher supervisory level up to the requesting employee's Bureau Commander.
4. The Bureau Commander will forward the completed MNPDP Form 430, Request for Police Vehicle Modification, to Police Vehicle Operations. Police Vehicle Operations will notify the requesting employee, by sending them a copy of the Form 430, of the approval or non-approval of the request.
5. Once the requesting employee has received approval notification, he/she may proceed with the modification/alteration as requested. After the work is completed, the requesting employee shall ensure that all modifications/alterations are inspected by Police Vehicle Operations. The individual performing the inspection will sign MNPDP Form 430 on the line that reads "Installation Inspected By,"

and enter the date of inspection. If deemed necessary, Police Vehicle Operations' Commander may refer the employee to someone with expertise with the particular item being installed. In such cases, the employee must present the signed MNPDP Form 430 to Police Vehicle Operations indicating that the item has been installed properly.

6. Police Vehicle Operations will forward a copy of the form to the requesting employee's supervisor, who will place the copy in the employee's inspection file for inspection purposes. Police Vehicle Operations will maintain the original of MNPDP Form 430 for departmental records.
7. Any time such equipment is removed from the vehicle, the employee must ensure that the vehicle is returned to its original appearance/condition. It will be the responsibility of the employee to have Police Vehicle Operations inspect the vehicle after the removal of any equipment or after any modification or alteration.
8. For any request that is not approved at any stage, the supervisory employee designating non-approval must state the reason for disapproval on the back side of MNPDP Form 430.
9. If the request is not approved by the requesting employee's bureau commander and/or Police Vehicle Operations' Commander, a copy of MNPDP Form 430 will be returned to the requesting employee. Police Vehicle Operations will retain the original department form and records.

#### **13.30.070 Control Provisions – Vehicular Operations**

##### **A. General Operation**

All personnel driving a departmental vehicle shall operate such vehicle in accordance with the "Rules of the Road" as established by state law and local ordinance.

##### **B. Seat Belts/Safety Seats/Restraints**

1. All MNPDP employees shall wear seat belts in accordance with current law.
2. All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The

member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

### 3. Child Car Seats, Safety Seats and Booster Seats

When transporting children in an emergency vehicle officers shall consider the following:

- a. T.C.A. 55-9-602 provides the child passenger restraint system laws for the State of TN.
- b. There are NO exceptions for law enforcement vehicles transporting children contrary to state law. For additional info on the Child Restraint law, visit:  
<https://www.tn.gov/safety/article/newCRD>
- c. Rear seat of screened vehicles: A car seat or booster seat should NOT be installed in police vehicles if a prisoner screen is present. Plastic or prisoner seats are also not compatible with car seats and booster seats and CANNOT be used.
- d. Front seats: Transport in a size-appropriate child restraint system that complies with applicable law when such system can be appropriately installed in the front passenger seat (with air bags off).
- e. In cases where police equipment is present (MDC, etc.) or the rear seat is not available or unsuitable for the child restraint system, officers should seek an alternative which allows for proper transport (unscreened vehicle with standard seating, detectives, etc.).
- f. Officers are occasionally faced with extenuating or emergency situations which create circumstances where the need to immediately transport a child for their safety may prevent the immediate proper installation or use of the proper device. In these situations, transport decisions should be based upon a reasonable assessment that the risk of transporting the child away from the situation is less than the immediate danger of not transporting the child in the proper seating configuration. When this occurs, as soon as reasonably practical, the transporting officers shall stop and make arrangements for the proper seating/restraint configuration.

**C. Authorized Passengers**

Persons authorized as passengers are enumerated in existing policy on department.

**D. Emergency Transport-Inclement Weather**

The Commander of Community Services Bureau shall develop a policy concerning the transport of emergency police and hospital personnel during inclement weather. Such policy shall be in memorandum form and distributed to all concerned persons.

**E. Geographic Limitations**

Police vehicles shall not be driven outside of Davidson County except under the following circumstances:

1. In pursuit of an actual or suspected violator;
2. In response to an approved mutual aid request;
3. In response to a call-for-service when the most direct, safest, fastest, or only route available is to leave the county and re-enter;
4. To court or other official proceedings/business (i.e., investigation, extradition, meetings, etc. which requires compliance with Section F below); or
5. When deemed necessary by an employee's supervisor.

**F. Out of County Travel Procedures**

1. Assigned vehicles may be used for out-of-county travel if they are considered by the employee to be mechanically sound, and have been approved by Police Vehicle Operations.
2. MNPDP Form 165, "Out-of-Town Travel," must be obtained from Fleet Management and completed. Proper approval and signatures are required. If the travel is out-of-state, Bureau Commander permission is mandatory.
3. Fleet Management will process MNPDP Form 165 and issue a travel packet containing: travel credit cards, insurance and claims address cards, and traffic accident, emergency maintenance, and towing or repair procedures. The travel packet, receipts, and any

forms will be turned into Police Vehicle Operations as soon as possible upon return from travel.

4. If the employee does not have an assigned vehicle, one will be furnished by the commander of the employee's component or the Police Vehicle Operations. No vehicle or travel credit card will be issued until MNP Form 165, "Out of Town Travel" has been completed, approved, and received by Police Vehicle Operations.
5. The Metropolitan Department of Law, Division of Insurance and Safety shall be notified by Police Vehicle Operations when the travel will be out of state.
6. At no time will employees leave weapons, portable radios or other valuable equipment in the passenger compartment of unattended vehicles.
7. If the vehicle is vandalized, damaged, or stolen, report it to the appropriate police agency of that jurisdiction.
8. The travel packet will include information regarding alternative transportation in case the vehicle is stolen or rendered inoperable.
9. If involved in a motor vehicle accident outside of Nashville/Davidson County, the employee shall
  - a. Immediately contact the appropriate police agency of that jurisdiction for an accident report;
  - b. Obtain a copy of the accident report or, if a copy is not immediately available, record the report number and the mailing address of the reporting agency;
  - c. Furnish an insurance and claims address card (provided in the travel packet) to the other driver and the reporting officer;
  - d. If involved in a personal injury accident, have his/her immediate supervisor and/or commanding officer notified as soon as possible;
  - e. Have the vehicle towed to the nearest appropriate automobile dealership or repair garage, if the vehicle is inoperable. Contact Police Vehicle Operations for instructions on further actions and rental car authorization. The Emergency Communications Center will be utilized to contact Police Vehicle Operations supervisor if after business hours; and

- f. Upon returning to Davidson County, the employee shall follow existing policy concerning documentation of the accident.

10. If a vehicle needs mechanical repair out of town:

- a. Drive to or have the vehicle towed to the nearest appropriate automobile dealership;
- b. Should the repairs not exceed two hundred dollars (\$200) and the dealership is within fifty miles of Davidson County, the employee is authorized to have a garage do the repairs.
- c. Contact Police Vehicle Operations if the criteria above are exceeded. The Emergency Communications Center will be utilized to contact the Police Vehicle Operations supervisor if after business hours.

11. Whenever an employee is within one hundred miles of Davidson County and major repairs are necessary, Police Vehicle Operations for towing arrangements.

- a. If the cost of towing equals or exceeds the cost of minor repairs, have the repairs completed at the nearest garage.
- b. Should the repairs prove to be untimely, contact the Police Vehicle Operations for rental car authorization.

G. Emergency Operation

- 1. Within this jurisdiction, the only vehicles authorized to engage in emergency operation are fire department vehicles, police vehicles, and such ambulance and emergency vehicles of municipal departments or public service corporations that are designated or authorized by the Chief of Police.
- 2. Only departmental vehicles equipped with **both** siren and one or more forward facing blue lights shall be designated and operated as emergency vehicles.
- 3. Regardless of the circumstances, emergency operation of departmental vehicles shall be conducted in accordance with applicable state laws, local ordinances, and departmental policy.
- 4. When responding to an emergency call, an employee operating an authorized emergency vehicle may exercise the privileges set forth in the Metropolitan Code, subject to the conditions below.



5. An employee operating an authorized emergency vehicle engaging in emergency operation may:
  - a. Park or stand, irrespective of motor vehicle & traffic laws;
  - b. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
  - c. Exceed the maximum speed limits, so long as it does not endanger life or property, **by no more than 10 miles per hour;**  
or  
**Note: Specific provisions regarding vehicular pursuit, particularly as such pursuits differ from emergency operation when responding to a call-for-service, may be found in existing policy concerning vehicular pursuits.**
  - d. Disregard regulations governing direction of movement or turning in specified directions.

**Important: Tennessee Courts have held that the flashing of lights alone, without the sounding of the siren, does not extend emergency privilege to police vehicles. Therefore, when a vehicle being operated as an emergency vehicle is in motion, both blue lights and siren must be used. When such vehicle is not in motion (e.g. stopped or standing at the scene of accident, crime, etc.), only emergency lights are necessary.**

#### H. Emergency Escorts

1. Emergency escorts may be provided, under specific circumstances, with supervisory approval. Emergency escorts are authorized under the following conditions:
  - a. Life-Threatening Medical Emergencies wherein a person is in need of emergency medical care. The sworn employee providing the escort shall consider all circumstances when selecting the destination of the escort. The destinations available include:
    - (1) The nearest medical facility, or
    - (2) A rendezvous point for Nashville Fire Department medical response equipment, or

(3) A Nashville Fire Department fire station.

b. Dignitary Motorcades wherein the personal safety of a government official, or the national security of the United States of America, will be enhanced by the provision of such emergency escort.

c. State law and local ordinance authorize emergency vehicles to proceed with special exemptions from traffic regulations when utilizing visual and audible warning devices but only when responding to emergency incidents or calls-for-service. The following types of escorts are prohibited unless otherwise authorized by the Chief of Police or a designee:

(1) Athletic teams proceeding to or from the airport, lodging, site of game, etc.;

(2) entertainers/celebrities/bands, etc. proceeding to or from the airport, lodging, performance site, etc.; and

(3) any other party proceeding to/from any location.

#### **I. Funeral Escorts**

The following provisions shall be followed by employees engaged in funeral escorts:

1. A funeral escort is not an emergency incident or call-for-service. Personnel should not engage in emergency operation, nor request the right-of-way, by using emergency equipment.
2. Applicable state law(s) and local ordinance(s) shall be obeyed.
3. All participating vehicles will be identified by using visual warning equipment only.
4. When approaching an intersection which has traffic control devices, the lead vehicle may accelerate ahead of the procession and "hold" the intersection by utilizing emergency lights and established traffic direction and control techniques. The lead vehicle should turn off its emergency lights if the funeral procession will be required to stop or yield for any reason such as an approaching emergency vehicle or a large group of pedestrians crossing the street. This provision is necessary to prevent confusing other motorists.

5. When approaching such an intersection, the lead vehicle should not engage in emergency operation and request the right-of-way by activating the siren.
6. Upon resuming movement (i.e., when the signal turns green or when the lead vehicle's turn to proceed occurs) the lead vehicle may again activate its visual warning equipment.
7. Other participating vehicles may block intersections which the procession has started into, by utilizing emergency lights and established traffic direction and control techniques.

**J. Parking Tickets Issued to Departmental Vehicles**

1. Parking tickets issued to departmental vehicles which are not adjudicated prior to their court date will be forwarded by the Traffic Violations Bureau to the Department of General Services. General Services will pay the fine and, in turn, bill the department for the cost of the fine plus an administrative handling charge. General Services will also provide a listing to Police Vehicle Operations identifying the individual vehicle, including the division, section, and employee to which it is assigned.
2. All employees operating vehicles will be held accountable for any parking tickets while it is assigned to their care. It is recognized that a vehicle may receive a parking ticket while the operating employee is engaged in a legitimate and official function. Those tickets may be disposed of as specified herein. However, if receipt of the ticket was reasonably avoidable, or cannot be justified by the employee, the ticket shall be the responsibility of that employee. Failure to accept this responsibility, which results in the cost of the ticket being billed to the department, shall be grounds for disciplinary action.
  - a. If the vehicle in question is specifically assigned to an individual, that employee will be primarily responsible and accountable. However, that individual will not be held accountable upon a showing that the vehicle was in the care of another employee at the time in question. That alternate employee/driver will then be held accountable.
  - b. If the vehicle in question is assigned to a component, it shall be the responsibility of the component commander to ascertain which employee should be held accountable.

3. All parking tickets received while an employee is conducting a legitimate and official function, and not reasonably avoidable, will be reported **immediately** on MNPB Form 185, "Request for Dismissal of Parking Ticket" to his/her immediate supervisor. That supervisor will make inquiry as to whether the ticket should be the responsibility of the department or the employee. Where a determination is made that the department is responsible, the form, with the ticket attached, shall be forwarded through the chain of command to the appropriate bureau commander. If approved, the bureau commander may forward the ticket and form to the commander of the Court Appearance Section.
  4. The commander of the Court Appearance Section will cause all such tickets to be brought to the attention of the presiding General Sessions Judge in a timely manner. An explanation will be made concerning the circumstances of their receipt and a request made that consideration be given to their dismissal.
    - a. A copy of all MNPB Forms 185's will be maintained as a permanent record by the Court Appearance Section.
    - b. The fine for any ticket presented to the judge in this manner, but not dismissed, will be paid by the department.
- K. Automatic Resource Locator (ARL) and Daily Activity Sheets
1. Automatic Resource Locators (ARL) are devices installed in certain vehicles, by the authority of Component Commanders. An ARL is a device that uses signals from global positioning satellites (GPS) to calculate and transmit location data of the vehicle in which it is installed. This data is transmitted through the data modem it shares with the vehicle's mobile data computers and the data is stored digitally. The data may then be retrieved, reported and inspected. Importantly, the data may be queried and monitored in real time, thus, greatly enhancing the ability of fellow officers to locate and aid an officer who may need assistance.
  2. Personnel using a vehicle equipped with an ARL device shall adhere to the following provisions:
    - a. When on duty, personnel shall log on to the mobile data computer in the vehicle. This is required for the ARL to transmit its data. Personnel shall indicate their status as "available".
    - b. Whenever utilizing a police vehicle equipped with ARL outside their regular work shift, such as when traveling to court,

department personnel shall log on to the MDC but show their status as “not available”. This status change is required so that the vehicle’s location data is captured, but it will not interfere with the normal dispatching of calls.

- c. Personnel shall complete MNPD Form 253, “Officers Daily Activity Report” for each tour of duty. In place of the tachograph chart, Officers will write “ARL” in the upper right hand corner, and turn the form in to their supervisor at the beginning of next shift the employee works.

*(Category of offense for a violation of provisions outlined in sections J and K above would vary between Categories D through AA based on severity of offense.)*

#### **13.30.080 Control Provisions – Civilian Employees**

In addition to the provisions previously set out in this order, the following provisions shall specifically apply to civilian employees:

- A. Civilian employees shall not operate a vehicle which is marked or semi-marked except:
  - 1. When the vehicle is in a garage for repair and operated by a mechanic for delivery or road testing purposes;
  - 2. When the vehicle is assigned to the academy and operated by staff members or trainees during the course of duty or training; or
  - 3. When otherwise authorized by a Bureau Commander or sworn supervisor.
- B. Civilian employees shall not operate a police vehicle with any emergency equipment activated unless authorized by the Chief of Police.
- C. Civilians may operate unmarked police vehicles providing they are in compliance with all conditions specified in Article 13.30.040 of this order.

## **13.40 Enforcement Roadblocks**

### **13.40.010 Policy**

The department may conduct roadblocks when it is determined that the roadblock is an effective means to address a matter of grave public concern. The Supreme Courts of the United States and the State of Tennessee have found roadblocks to be warrantless seizures. Therefore, the department must demonstrate that the interference imposed by the roadblock upon an individual's liberty and privacy is outweighed by the public interest served by the roadblock. Accordingly, the harm sought to be eliminated must present a substantial and imminent threat to public safety. Driving Under the Influence is a recognized example of such harm.

The Department's requirement to demonstrate the harm described above applies only to the suspicionless stops at investigatory, non-emergency roadblocks. An example of such roadblocks is a DUI roadblock. The demonstration of the same degree of harm may not be required for other types of roadblocks, such as those established to apprehend fleeing felons and other similar roadblocks in which more particularized suspicion exists. However, in all circumstances in which personnel of the Metropolitan Nashville Police Department are deciding whether or not to establish a roadblock, deliberate consideration shall be given to weighing the harm to be addressed by the roadblock against the liberty and privacy interests of individuals. The authorizing authority shall authorize a roadblock only when he or she can reasonably demonstrate that the public interest served by the roadblock outweighs the individual interest.

It is the policy of the Metropolitan Nashville Police Department that roadblocks be conducted in a safe and lawful manner. All employees shall adhere to the provisions within this order concerning law enforcement roadblocks.

### **13.40.020 Definition**

**Roadblock:** for purposes of this order, shall be defined as any planned and supervised action taken by officers that restricts the movement of the motoring public for a specific law enforcement purpose.

**NOTE:** This definition applies only to roadblocks as that term is defined in this order. Roadblocks to terminate pursuits are addressed in the department's pursuit policy.

**13.40.030 Authority to Establish Roadblocks**

- A. Only members of the Department holding the rank of Captain, or above, shall have the authority to authorize the establishment of a roadblock.
- B. Any sworn supervisor of the Department may be appointed to establish a roadblock after it has been properly authorized. That supervisor establishing the roadblock shall serve as the roadblock safety coordinator. The roadblock safety coordinator shall be in command of the roadblock.

**13.40.040 Establishing Law Enforcement Roadblocks**

- A. Roadblocks shall not be used as a pretext to actively engage in a suspicionless investigation of criminal activity unrelated to the purpose of the roadblock. The purpose of the roadblock must be clearly conveyed to all participating police personnel and motorists who are stopped. This does not preclude an officer from taking appropriate enforcement action for any law violation legitimately detected while conducting a roadblock.
- B. A minimum of one supervisor and two officers with marked police units are required for a roadblock. All roadblocks shall have sufficient supervisory personnel present at all times to assure that the roadblock is operated in accordance with this policy and the operational guidelines herein. Further, supervisory personnel shall assure that roadblock is operated in a manner that minimizes intrusiveness and officer discretion.
- C. All personnel assigned to a roadblock shall be supplied with the equipment needed to minimize the dangers which could result from fear or surprise to the motoring public, i.e. traffic cones, barricades, reflective vests, etc.
- D. The site locations selected to conduct roadblocks must satisfy the following requirements:
  - 1. The location will be selected for its safety and visibility for oncoming motorists;
  - 2. The location must give motorists adequate prior warning that a roadblock is ahead;

3. The location must provide a safe area for the motorist to move the vehicle in the event that the operator is unable to locate lawfully required documents immediately or if other enforcement action is necessary; and
4. The media shall be notified that a roadblock will be in operation, as well as its purpose, time and location when time permits and the public's interest is best served by doing so.

#### **13.40.050 Operational Procedures**

- A. Prior to beginning roadblock activity, the supervisor shall notify the dispatcher of the following:
  1. That a roadblock is going to be conducted;
  2. Who will be serving as the roadblock safety coordinator;
  3. The location of the roadblock;
  4. The unit numbers of the employees involved; and
  5. The identity of any other agencies present.
- B. Roadblocks may be held in conjunction with the Tennessee Department of Safety. When doing so, all participating Metropolitan Nashville Police Department personnel shall follow the guidelines established by the Tennessee Department of Safety for conducting a roadblock. Metropolitan Nashville Police Officers are not authorized to demand the exhibition of a certificate of vehicle registration, nor a valid driver's license unless the driver of the vehicle is engaged in, or immediately prior to such demand has been engaged in, a violation of state statute or local ordinance.
- C. Personnel engaged in roadblock activities shall wear the department's prescribed uniform as well as the issued reflective vest. When conducting roadblocks during the hours of darkness, employees shall utilize red or orange flashlight wands.
- D. Personnel shall follow current department policy regarding traffic direction and control.
- E. Blue lights will be activated during the roadblock, whether day or night. During hours of darkness or low visibility, headlights and spotlights may be utilized to illuminate the area in which the roadblock is being conducted. Vehicles will be positioned in such a manner that the vehicle's headlights or spotlights do not blind drivers approaching the roadblock.



- F. A roadblock shall remain in operation so long as it is reasonable to believe it will be sufficiently productive in addressing its stated lawful purpose. Generally, roadblocks shall remain in operation for a minimum of one hour. Additionally, a roadblock may be terminated in the event of inclement weather, emergency situation or other similarly compelling circumstance.
- G. It is the responsibility of the roadblock safety coordinator to establish guidelines or a system for the operation of the roadblock and to inform all personnel involved of that system.
  - 1. Before commencing the roadblock, the roadblock safety coordinator shall decide the objective criteria to be used in determining which vehicles will be momentarily stopped at the roadblock. For example, it may be decided that all vehicles, or every 5<sup>th</sup> vehicle, or every 10<sup>th</sup> vehicle, etc., shall be momentarily stopped. Before commencing the roadblock, the roadblock safety coordinator shall also evaluate the purpose and circumstances of the roadblock and decide objective criteria for determining when the roadblock is to be considered as imposing an unreasonable traffic restriction or hazard and establish criteria to address those conditions. For example, the roadblock safety coordinator may decide that when fifteen (15) vehicles are waiting in line at the roadblock that such a condition represents an unreasonable traffic restriction. To address that condition, all fifteen vehicles shall be allowed to proceed through the roadblock unchecked. The roadblock shall then resume stopping vehicles using their initial objective criteria for doing so.
  - 2. Personnel participating in the roadblock shall only make inquiries related to the lawful purposes of the roadblock when speaking with the operator of a vehicle stopped at the roadblock. This does not preclude an officer from making further inquiries if a violation of law is legitimately detected while conducting the initial inquiry.
  - 3. If the roadblock creates an unreasonably hazardous condition either by its location or by its restriction of traffic flow, the roadblock safety coordinator shall take action, if possible, to eliminate the hazard, to suspend the roadblock or to terminate the roadblock, whichever is most appropriate.
  - 4. The roadblock safety coordinator shall consider the purposes and circumstances of the roadblock and the public interest served by it. After considering these factors, the roadblock safety coordinator shall determine whether or not it is appropriate to establish the roadblock in a location that provides motorists with a readily available and apparent alternative route to use if they wish not to be

subjected to the roadblock.

- H. A motorist who chooses to lawfully take an alternate route so as not to be subjected to a roadblock shall be allowed to do so unless a traffic violation is observed, or there is sufficient reasonable suspicion or probable cause to take other action.
- I. Officers assigned to roadblocks shall identify themselves to the driver and advise them of the reason for the roadblock. If no violation is detected, the officer should return any documents and thank the driver for their cooperation.
- J. When a violation is detected, the officer will direct the driver of the vehicle to a safe location and take the appropriate enforcement action. If a physical arrest is necessary, the officer will notify the roadblock safety coordinator.
  - 1. If it is determined that a driver's privilege to operate a motor vehicle has expired, been revoked, suspended, or canceled or that the driver is unlicensed, they will not be allowed to drive away or further operate the vehicle.
  - 2. If the violation requires immediate enforcement action, the officer will ensure the safe disposition of the violator's vehicle.
- K. Upon completion of a roadblock, the roadblock safety coordinator shall:
  - 1. Collect and total all enforcement activity from each officer;
  - 2. Advise the dispatcher that the roadblock is being terminated and the status of the officers assigned to the roadblock; and
  - 3. Forward an after-action report of the roadblock activity to the Traffic Analysis Unit and a copy to the Strategic Development Division.

## **13.50 Vehicle Mounted Audio/Video Recording Equipment**

### **13.50.010 Purpose**

To establish policy and procedures for the use of departmentally owned audio/video recording equipment mounted in police vehicles, and to establish policy and procedures for the distribution, storage, and maintenance of the vehicle mounted audio/video equipment and recordings or other storage media.

### **13.50.020 Policy**

It is the policy of the Metropolitan Nashville Police Department that members assigned vehicle mounted audio/video equipment will utilize the equipment for the purpose of collecting evidence that will be used in the prosecution of those who violate the law.

It is also the policy of the Metropolitan Nashville Police Department that audio/video recordings from vehicle mounted recording devices will be cataloged and secured in keeping with current departmental policy on evidence collection and storage, for a period of no less than fifteen (15) months. This is to ensure that audio/video recordings will be available and admissible as evidence according to the rules of evidence in criminal prosecutions, civil cases, or complaint investigations.

### **13.50.030 Definitions**

- A. **Audio/Video Recording Equipment:** Any device that makes an electronic recording of sound and/or visual images onto a tape, disk, or other media for storage or review at a later time. Equipment may include, but is not limited to: video cameras, audiotape or disk recorders, or digital cameras/recorders.
- B. **Vehicle Mounted:** Equipment that has been departmentally approved and mounted by approved technical personnel either permanently or temporarily to a departmentally owned or utilized vehicle.
- C. **Mobile Videotape:** Tape used with the video mounted recording equipment and stored as evidence of the employee's and suspect(s) actions prior to and during officer intervention.
- D. **Storage Media:** Specific apparatus used to store audio/video images. This may include but is not limited to: videotapes, diskettes, disks, compact disks, digital videodisks, digital files, or cassettes.

#### **13.50.040 Procedures**

Personnel should conduct all violator contacts with the safety of the violator and the employee of paramount concern. All events concerning the stop and arrest of the suspect by an employee with vehicle mounted recording equipment should be recorded and the recording maintained as evidence for prosecution. Employees shall conduct themselves professionally and follow all legal and procedural guidelines to ensure evidence will be properly admitted in court for successful prosecution of violators.

Departmentally owned audio/video systems shall only be installed by personnel authorized by the Metropolitan Nashville Police Department. Departmentally owned camera systems shall be installed so that activation of the vehicle's emergency warning equipment will automatically activate the camera recording system.

The camera system shall not be removed or disconnected for repairs by anyone, except an authorized technician or otherwise approved by the Metropolitan Nashville Police Department.

##### **A. Operating Procedures**

Personnel shall adhere to the following procedures when utilizing vehicle mounted audio/video equipment.

1. Equipment installed in vehicles is the responsibility of the employee assigned to that vehicle, and will be maintained according to manufacturer's recommendations.
2. Prior to each shift, employees shall determine whether their audio/video recording equipment is working satisfactorily and shall bring any problems at this or any other times to the immediate attention of their immediate supervisor. This check should include:
  - a. Audio and video reception;
  - b. The setup for the video for recording; and
  - c. A blank cassette or other approved storage media should be loaded into the system, and a brief recording made as a final check of the system.
3. Equipment will automatically activate when the vehicle's emergency warning equipment is in operation. The recording equipment may be manually deactivated during non-enforcement activities such as when protecting accident scenes from other vehicular traffic.

Whenever equipment is manually deactivated, the employee shall properly document the reasons for this action.

4. Where possible, employees shall ensure that equipment is operating in order to record traffic stops or other enforcement actions. In doing so, employees will ensure that:
  - a. The video camera is positioned and adjusted to record events;
  - b. The equipment is not deactivated until the enforcement action or contact is completed; and
  - c. Their wireless microphone is activated in order to provide narration with the video recording to explain the reason for their current or planned enforcement action.
5. Employees shall not erase, reuse, or in any manner alter their recorded equipment storage media.
6. All completed recordings shall be properly labeled and identified prior to being submitted with related documentation at the end of the employee's tour of duty.
7. Employees are encouraged to inform their supervisor of any recorded sequence that may be of value for training purposes.
8. Employees shall note in offense, arrest, and other related reports when audio/video recordings were made during the incident in question.
9. Employees shall use only storage media as issued and approved by the Metropolitan Nashville Police Department.

**B. Tape Control and Management**

1. Audio/video media containing information that may be of value for case prosecution or in any criminal or civil proceeding shall be safeguarded as other forms of evidence. As such, these media shall:
  - a. Be subject to the same security restrictions and chain of evidence safeguards as detailed in this agency's evidence control policy;
  - b. Not be released to any other criminal justice agency for trial or other reasons without having a duplicate copy made and returned to safe storage, as outlined in Section IV, B, 4 of this order.

- c. Will not be released to other than bona fide criminal justice agencies without prior approval of the Chief of Police.
- 2. Recordings not scheduled for court proceedings, criminal or other departmental uses shall be maintained for a period of time authorized by law and not less than fifteen (15) months. All recordings shall be maintained in a manner that allows efficient identification and retrieval.
  - a. Employees shall label the completed audio/video recording with the employee's name, employee number, suspect's name, and case number.
  - b. The same identifiers should be placed on any other evidence gathered by the employee.
  - c. The mobile recording or other media number shall be referenced to in **all** related reports including the evidence tag.
  - d. The employee shall then log the mobile recording as evidence with the evidence clerk.
  - e. Employees shall transport the mobile recording with the offense and any other related reports to the prosecutor's office if requested.
- 3. No media shall be reissued for use without being completely erased and approved by the employee's supervisor.
- 4. Distribution Of Recordings To Outside Agencies Or Persons:
  - a. Recordings generated on departmentally owned or utilized equipment are the property of the Metropolitan Nashville Police Department. Copying or reproduction of any recording, or any segment of any recording generated by the Metropolitan Nashville Police Department, or the removal of any storage media outside the authority of the Police Department, without the authorization of the Chief of Police is prohibited.
  - b. Recordings provided to persons or agencies outside of the Metropolitan Nashville Police Department will be duplicated on new storage media provided by the requesting person or agency that meet departmental specifications.
  - c. A reasonable fee shall be charged for the reproduction of a recording.

- d. Only that portion of the recording containing a specific contact in question shall be reproduced.

**C. Supervisory Responsibilities**

Supervisors who manage employees equipped with audio/video recording equipment shall ensure that:

1. All employees follow established procedures for the use and maintenance of all audio/video equipment, handling of audio/video recordings, and the completion of all required documentation;
2. They randomly review recordings to assist in periodic assessment of the employee's performance, determine whether the recording equipment is being fully and properly used, and to identify material that may be appropriate for training;
3. Repairs of damaged or non-functional equipment are performed;
4. Employees assigned the use of audio/video equipment have been properly trained in the operation and maintenance of the equipment by qualified personnel; and
5. Employees have an adequate supply of storage media to complete the employee's tour of duty.

## **Title 14: Emergency & Contingency Operations**

### **14.10 Incident Command System, Emergency Response Exercises, and Contingency Planning**

#### **14.10.010 Definitions**

For purposes of this order, the following terms are defined:

- A. **Contingency Plan(s):** Document(s) that provide responding personnel a guide on which to base their management of emergency operations. This may vary with the individual situations. These documents will always have a basic listing of goals and objectives, and will also contain a policy statement covering the particular incident it references.
- B. **Controllers:** Responsible for ensuring that the exercise objectives are sufficiently exercised to permit evaluation, that the level of activity keeps participants occupied and challenged, and that the pace of the exercise proceeds according to the scenario.
- C. **Emergency Operations:** The departmental response to any number of unusual occurrences; such as: natural and man-made disasters, civil unrest, barricade/hostage tactical situations, unusually large and/or lengthy enforcement or investigative activities, etc.
- D. **Emergency Operations Center (“EOC”):** A central facility where government officials gather information to control government functions, communicate with the public, manage resources, and assure a coordinated response to emergency situations.
- E. **Emergency Response Exercise:** A maneuver or simulated emergency condition involving planning, preparation, and execution carried out for the purpose of testing, evaluating, developing, training, and demonstrating individual components’ capabilities so as to identify areas of strength and weakness for improvement of emergency operations activities.
- F. **Emergency Services Coordinator:** A Metropolitan Government department head (or designee) assigned to report to the Emergency Operations Center during certain emergency situations.



- G. **Evaluators:** Observers who critique the progress of the exercise, with emphasis on monitoring the efforts of the particular element to which they are assigned.
- H. **Full-Scale Exercise:** Emergency response exercise designed to challenge the emergency management system and its elements. A full-scale exercise is thoroughly planned and handled as though it were “the real thing”. A full-scale exercise might be a simulated natural or man-made disaster, civil unrest, or mass casualty/transportation accident.
- I. **Functional Exercise:** Emergency response exercises held by the individual elements of an emergency plan and are completely separate from the rest of the elements. A functional exercise might be the MNPd conducting a police-only exercise of the contingency plan for an off-airport aircraft crash.
- J. **Incident Command Post:** The Command and control center of emergency operations, where the Incident Commander and staff are located. The ICP is a geographic location.
- K. **Incident Command System (ICS):** A system of managing personnel and resources, which is the tool that will be used to implement contingency plans and control emergency operations. (See the Incident Command System National Training Curriculum modules provided by the National Wildfire Coordinating Group.)
- L. **Incident Commander:** The individual responsible for overall incident management within the Incident Command System and within departmental supervisory guidelines. This includes the development and implementation of strategic decisions, and for ordering and releasing resources. Radio call sign for the incident commander is “Command”, preceded by the name of the incident, i.e. “Main Street Command”.
- M. **Local Emergency Planning Committee:** A federally mandated committee of emergency responders and citizens which administer the SARA Title III “Right-to-Know” regulations regarding the storage of hazardous materials and ensures appropriate pre-planning for hazardous materials incidents.
- N. **Mayor’s Office of Emergency Management:** Operates the emergency operations center (EOC) and is a cooperating agency who holds procurement contracts for various resources to be utilized in major incidents or a full-scale exercise.

- O. **Participants:** Response resources holding a functional assignment or a management position at the incident command post or emergency operations center.
- P. **Special Events Coordinating Committee:** A committee operated by the Mayor's Office which has the responsibility of coordinating city services participating in, or affected by, special events.
- Q. **Special Events Coordinator:** The department's representative on the Special Events Committee.
- R. **Tabletop Exercise:** Emergency response exercise held in a controlled environment and begins with a simulated event described in narrative form. The participants generally work from a pre-approved contingency plan and use maps, charts, and resource lists.
- S. **Tactical Operations Center (TOC):** The centralized control location of the SWAT operation. The TOC is near but separate from the ICP. TOC may be called on the radio.
- T. **Unified Command:** A command structure necessary for managing multi-jurisdictional responses. The Unified Command brings together the "Incident Commanders" of all major organizations involved in the incident and on the scene in order to coordinate an effective response while at the same time carrying out their own jurisdictional responsibilities.

#### **14.10.020 Establishing, Transferring, and Terminating Command at Incidents**

##### **A. Establishing Command**

1. The first arriving unit shall establish command on any incident as required by this order, or as needed to effectively manage an incident. In the event another responding agency arrives on the scene first, check-in with that agency and either become part of their command or establish a unified command.
2. Command shall be established by transmitting the following to the Emergency Communications Center (EEC):

"Car \_\_\_\_\_, I am establishing the \_\_\_\_\_ Command. The Incident Command Post is located at \_\_\_\_\_. I will be command."

**B. Assuming Command**

1. The preferred response of supervisory personnel is to assume command.
2. Supervisors arriving at ICS incidents shall not assume command until being briefed by the current incident commander.
3. Supervisors are accountable for incidents occurring within their assigned responsibilities whether they assume command or not.
4. Upon arrival, personnel shall check on the scene with the Emergency Communications Center and then report to the ICP.
5. To assume command, transmit the following to the Emergency Communications Center: “Car \_\_\_\_\_ to communications. I am assuming (name of command) Command.”

**C. Terminating Command**

1. Command shall be passed down to the last unit remaining on the scene or the assignment.
2. Upon completing duties associated with the incident, this unit shall transmit the following to the Emergency Communications Center: “\_\_\_\_\_ Command to communications, terminate command. Car \_\_\_\_\_ is 10-98, code\_\_\_\_\_”.

**D. Completing MNPDP Form 301, Incident After Action Report**

1. The Incident Commander shall complete MNPDP Form 301, Incident After Action Report, for any of the following incidents:
  - a. Any “Signal 1” activation of the Incident Command System for management of the situation,
  - b. Any parade, festival, fair, celebration, dignitary protection, felony stake-out, search warrant service, drug sweep, sting operation, or other pre-planned event occurs-whether staffed by on duty or off-duty personnel,
  - c. Any Explosives Ordnance Disposal (EOD) or “bomb threat” call involving found explosives, suspicious packages, building searches, or actual detonations, or

- d. Any other incident at which the on-scene supervisor deems it necessary.
2. After completing MNPDP Form 301, Incident After Action Report, the incident commander shall forward the form through their chain of command to the Chief of Police for review. The office of the Chief of Police will then scan the approved document to a designated network based storage location and retain the original report.
3. The Emergency Contingency Section will review the forms to evaluate training needs and conduct an analysis of incidents. This is an ongoing process and shall be evaluated annually to ensure the annual training is correcting any deficiencies.

#### **14.10.030 Responsibilities of Line Personnel**

All line personnel shall adhere to the following when emergency operations are in effect, or ICS has been activated:

- A. Communicate by “clear text” on the talk group assigned for the individual’s job task. **Do Not Use 10-codes** which may confuse responders from other agencies.
- B. All communications shall be through the Incident Command System chain of command. Personnel should not communicate directly with the TOC, Emergency Communications Center, Incident Commander, or any other party outside the individual’s ICS chain of command. Remember that the ICS supervisor may not be the normal duty supervisor.
- C. Perform the task assigned by the ICS supervisor.
- D. Do not abandon post or position until relieved or re-assigned by the ICS supervisor.

#### **14.10.040 Responsibilities of Supervisory Personnel**

When Emergency Operations have been activated, all appointed Incident Command System supervisors shall adhere to the following:

- A. Operate assigned position and supervise assigned subordinates per the Incident Command System modules.
- B. Brief assigned subordinates on job task, radio talk group, and situation status.

- C. Monitor subordinate's radio traffic for conformity to ICS standards.

#### **14.10.050 Role of Emergency Communications Center**

By agreement with the Director/Chief of the Emergency Communications Center and the Metropolitan Nashville Police Department, the Emergency Communications Center shall adhere to the following when emergency operations are in effect, or the ICS has been activated.

- A. Communicate only with the Incident Commander
- B. Once command has been established, key all airs and announce:  
"Attention all cars, car \_\_\_\_\_ has established the \_\_\_\_\_ Command on a (type of incident) at (location). Car \_\_\_\_\_ is command."
- C. Notify dispatch elements of any agency / department that may be affected by an incident that MNPd has established command.
- D. ECC personnel will be responsible for assigning any radio talk groups as requested by the incident commander.
- E. **ECC personnel will not act upon any request for additional resources from any personnel other than the incident commander.**
- F. Upon being advised of termination of command, key up all airs and announce: "Attention all cars, the \_\_\_\_\_ command is terminated at \_\_\_\_\_ hours.

#### **14.10.060 Identification of The Incident Command Post and ICS Positions**

- A. Identification of ICS Positions – Vests
  - 1. On any major incident at which the ICS is activated, members staffing various ICS positions shall wear the vest bearing the appropriate positional title.
  - 2. Members driving/operating the mobile command vehicle shall maintain the vest and oversee their issuance and collection.

#### **14.10.070 Personnel Mobilization Plan**

The Incident Commander may initiate a mobilization or "call out" of off-duty personnel. The call-out must be initiated by an Incident Commander

holding the rank of captain or above or by an Incident Commander of a lower rank acting upon the authority and direction of a captain or above.

A. Protocols for Initiating Personnel Mobilization Plan.

At least one of the following conditions must exist before a call-out may occur.

1. At least one third (33%) of all on-duty uniformed, mobile resources must be assigned to an Emergency Operation. This would generally include Patrol, Traffic, and Tactical personnel. Other uniformed elements may be figured into the equation at the discretion of the Incident Commander or,
2. A tactical, sniper, hostage, or barricade situation must exist, or
3. A natural or man-made disaster must have occurred, or
4. Civil unrest that is planned, anticipated, or occurring or
5. A large response is required (in accordance with mutual aid agreements or consistent with written policy) into another geographic/political jurisdiction.

B. Call-outs consist of five (5) levels:

1. Limited-specific individuals or a group, usually specialists.
2. Detail-a detail of Community Services personnel from one or more precincts.
3. Precinct-all Community Services personnel from a given precinct.
4. Division/Section-all personnel assigned to a division/section.
5. Department-all personnel, sworn and/or civilian.

Nothing herein shall be construed as prohibiting the call-out of personnel as required by current policy. Examples would be certain cases that require the use of investigators and/or technicians from specific elements. This Personnel Mobilization Plan only affects Emergency Operations activities.

C. Mechanisms of Notifications

Notification of personnel to respond to a call-out may be accomplished by the chain of command, Communications Unit at the Incident Command Post, Emergency Communications Center, civilian clerical/administrative personnel, Explorers, or any other appropriate means deemed necessary by the Incident Commander.

**D. Content of Notification**

Notifying personnel shall be briefed on what information to provide the responders. This will generally include: nature of events, location of staging area, special equipment/supplies/clothing to bring, and time to report to the staging area.

**E. Documentation of Notifications**

Notifying personnel shall record in writing the names of all responders contacted, and the time of notification.

**14.10.080 Staging and Staging Levels**

Emergency operations, as well as day-to-day operations, will often require that personnel be near a crime scene or target location without being actually on the scene.

In order to facilitate this “staging” of personnel, the Metropolitan Police Department will utilize two types of staging—Level I and Level II. These staging levels shall be used whether or not command has been established.

**A. Level I Staging**

Level I Staging is a response by personnel to an area near the scene/target of police activity. Personnel should remain in their vehicles in preparation for a quick response, if needed.

Example: Two patrol units and their sergeant respond to a “violent mental patient” call. Upon arrival, they discover that the very large and strong subject is agitated by police presence. However, progress is being made to convince the subject to go voluntarily for psychiatric evaluation. To be safe, the sergeant orders two more units to a Level I Staging—in case the subject becomes combative.

The response of the units called to Level I Staging shall be:

1. Proceed to the designated location

2. Park with emergency equipment turned off, facing the scene/target
3. Remain in vehicle
4. Monitor radio for instructions.

**B. Level II Staging**

Level II Staging is a response by personnel to an area somewhat removed from the scene/target. Personnel shall check-in with the Staging Area Manager before entering. Personnel shall stand by for an assignment from the Staging Area Manager.

Example: A large civil disturbance is in progress at a local university, necessitating a response by the Metropolitan Nashville Police Department (MNPd) and the Tennessee Highway Patrol (THP). A staging area is designated at a shopping mall about ½ mile from the incident. The staging area manager, a THP lieutenant, has checked-in 42 MNPd units, 27 THP units, eight Nashville Fire Department (NFD) engine companies, three NFD truck companies, and eight NFD ambulances.

1. The response of the units called to Level II Staging shall be:
  - a. Proceed to the designated location
  - b. Check-in with the Staging Area Manager
  - c. Stand by with emergency equipment turned off, facing the designated exit
  - d. Receive instructions from the Staging Area Manager
  - e. Do not respond unless directed by the Staging Area Manager
2. The Staging Area Manager:
  - a. Will not assign resources unless ordered by the Incident Commander ("Command") or Operations Section Chief ("Operations")
  - b. Will maintain a log of available resources
  - c. Will document when an "available resource" is given a job and becomes an "assigned resource"
  - d. Will use radio call sign "Staging"

**14.10.090 Training, Planning, and Designing Exercises**

- A. New Police recruits shall receive at a minimum, instruction in the Incident Command System. This instruction will follow the National Wildfire Coordinating Group, National Training Curriculum Modules 1 through Module 6.



Sergeants and above shall receive additional training to include Modules 7 through Module 11. Captains and above shall receive additional training consisting of Modules 12 through Module 17. Applicable personnel shall receive this training after promotion to the positions requiring the training.

All Sworn personnel shall receive Incident Command System training annually or more frequently based on identified need and/or at the direction of the Chief of Police or his/her designee. This training will be in the form of classroom presentation, tabletop exercises, functional exercises, or full-scale exercises; and will be conducted by members of the Emergency Contingency Section.

B. There are three types of exercises in which the MNPD will participate:

1. Tabletop Exercises

The Bureau Commanders of all involved parties must approve tabletop exercises, due to their nature of involving field and command personnel. Tabletop exercises may be requested by:

- a. Any Bureau or Division Commander, or
- b. The department's Emergency Services Coordinator, or
- c. The Commander of the Strategic Development Division, or
- d. Emergency Contingency Section.
- e. These exercises will be conducted at least once annually.

2. Functional Exercises

The Chief of Police must approve functional exercises, due to their disruptive nature and consumption of resources. Functional exercises may be requested by:

- a. Any Bureau or Division Commander, or
- b. The Department's Emergency Services Coordinator.
- c. Will be conducted based on identified need and directed by the Chief of Police or his / her designee.

3. Full-Scale Exercises

Full-scale exercises, by their very nature, involve the commitment of significant resources and limit the coverage afforded the remainder of the county. Full-scale exercises must be approved by

the Chief of Police and may **only** be requested by the department's Emergency Services Coordinator or the Emergency Contingency Section as a result of their membership on the Local Emergency Management Council and/or their work with the Metropolitan Office of Emergency Management (OEM).

C. Planning and Designing Exercises

1. The Commander of the Emergency Contingency Section will be responsible for planning, designing, and conducting exercises for the department.
2. Identifying the need for Tabletop and functional exercises are to be designed by a committee consisting of:
  - a. The Commander of the Emergency Contingency Section who shall serve as chairperson;
  - b. The Commander of the Strategic Development Division, or his/her designee;
  - c. The Commander of the Training Division, or his/her designee;
  - d. The Commander of the Community Services Bureau, or his/her designee; and
  - e. A Precinct Commander who will not be evaluated in the exercise.
3. The Metropolitan Office of Emergency Management (OEM) may coordinate full-scale exercises. The Emergency Contingency Section will participate in the design of such exercises and may call upon other departmental elements for assistance as necessary.
4. When planning and designing exercises, personnel shall ensure that the process is conducted in accordance with the most recent reference sources for exercise design. The design shall always include:
  - a. Goals and Objectives
  - b. Adequate scenario to test contingency plan
  - c. Messages, problems, and challenges
  - d. Selection of exercise staff
  - e. Briefing of exercise staff
  - f. Post-exercise critique

### 14.10.100 Conducting Exercises

#### A. Notification

1. Tabletop exercises will be held at the appropriate site, and the participants will be directed to appear at that site with specified equipment or materials (generally contingency plans and ICS materials).
2. Functional and full-scale exercises will be held at the designated site, and the participants will be notified as if the incident were actually occurring.
3. Functional and full-sale exercises will be dispatched as though the incident were occurring, as such: "Attention all cars, this is a (functional/full-scale) exercise. Repeating, this is a (functional/full-scale) exercise. A code \_\_\_\_\_ is in progress at (location). All units dispatched are to respond non-emergency and handle the call. Repeating, this is a (functional/full-scale) exercise on a code \_\_\_\_\_ at (location)." The dispatcher with primary responsibility will then dispatch appropriate units, and will handle the traffic as if this were an actual incident.

#### B. Response

1. Tabletop exercise participants will arrive at the appropriate site and meet with the exercise team for a briefing.
2. Functional and full-scale exercise participants **will respond non-emergency** to the scene or command post as directed. After arrival, personnel shall utilize the Incident Command System to manage the incident. The exercise team will terminate the exercise.

### 14.10.110 Post-Exercise Critique and Report

The exercise team shall advise the participants to report to a debriefing site upon termination of the exercise. The critique is then conducted in two phases: participant critique and evaluator critique.

#### A. Participant Critique

The participants may be asked to fill out a questionnaire about the exercise, and will be invited to participate in a group discussion.

#### B. Evaluator Critique

The evaluators will discuss with the participants the observed quality of performance. The completion of stated goals and objectives as set in the contingency plans will be of primary concern.

**C. Exercise Evaluation Report**

The Emergency Contingency Section will prepare a report to the Chief of Police. At a minimum, this report will contain:

1. A summary of the exercise,
2. An evaluation of the performance of the participants, and
3. A summary of any recommendations regarding the exercise design, performance, or policy changes.

**14.10.120 Contingency Planning Process**

**A. Development**

The Emergency Contingency Section, with the Strategic Development Division, shall develop and distribute contingency plans. These plans shall be developed as necessary to prepare for unusual occurrences and potential disasters upon direction by the Chief of Police or his/her designee. Contingency plans shall be distributed by written directive or electronically as is deemed appropriate by the Chief of Police.

**B. Maintenance**

The Strategic Development Division, with the Emergency Contingency Section, shall maintain the above-described contingency plans. These plans shall be reviewed annually and amended or rescinded, as necessary, by written or electronic directive.

**C. Structure of Contingency Plans**

Contingency plans shall be one-sided documents, with the name of the plan or situation at the top. The format shall include:

1. Determining jurisdiction, authority, and role of the Police Department
2. Response Priorities ("or task priorities")
3. Strategic goals and tactical objectives
4. Applicable to current departmental policies and guidelines.

#### **14.10.130 Planning Meeting, Committees and Advisory Groups**

##### **A. Participation**

The Commander of the Strategic Development Division, the Commander of the Emergency Contingency Section, and/or their designee(s) shall participate in all planning sessions which result in the establishment of contingency plans as defined in this order.

##### **B. Types of Planning Sessions**

Such planning sessions shall include meetings with representatives of various government, private, or volunteer agencies during which a specific emergency operation contingency plan is discussed, drafted or finalized.

##### **C. Sessions Excluded**

Any meetings that will not result in a contingency plan are excluded. Examples would include planning a parade route or public event, a tactical police operation, or any special event.

#### **14.10.140 Emergency Operations and ICS Activation**

- A. "Emergency Operations" are specific responses to unusual occurrences, which generally will be dictated by a pre-approved contingency plan. Emergency Operations must meet specific protocols to be implemented. A "Signal 1" will result in activation of the Incident Command System for management of the situation.

Note that each incident requiring ICS implementation is not an emergency operation. For example, a serious traffic crash may require ICS implementation, but does not qualify as a contingency operation.

- B. The ICS shall be implemented if any of the following situations or incidents occur:
1. Any Contingency Plan (pursuant to a "Signal 1") is required, or
  2. A violent death results in a criminal or other investigation (ex: a homicide, fatal traffic crash, or accidental death), or
  3. A multi-discipline response is required at the scene of a traffic crash or fire which will involve the closure of a roadway and/or the extrication of victim(s), or

4. A felony investigation is undertaken involving a search for suspect(s) in various locales and/or on foot, or
  5. Any parade, festival, fair, celebration, dignitary protection, felony stake-out, search warrant service, drug sweep, sting operation, or other pre-planned event occurs-whether staffed by on duty or off-duty personnel, or
  6. Any search for a “missing person,” as defined by current policy, which involved the systematic search of an area by mobile or on-foot personnel, or
  7. Any Explosives Ordnance Disposal (EOD) or “bomb threat” call involving found explosives, suspicious packages, building searches, or actual detonations, or
  8. Any other incident at which the on-scene supervisor deems it necessary.
- C. Personnel are directed to contact the on-scene supervisor of any corresponding agency, particularly the Fire Department, to determine if command has already been established. If so, we will fit into the established ICS structure as necessary.
- D. When an IC is established, equipment that may be required for the effective mitigation of an incident can be obtained from the Emergency Contingency Section. This equipment includes the Mobile Command Vehicle and personnel that may provide support to the incident commander as an advisor for ICS protocols. Personnel in this section are assigned in an on – call status and are versed in incident management. Other specialized equipment that is available includes the civil disturbance trailer and HAZMAT response trailer.

#### **14.10.150 Contingency Plans**

The Emergency Contingency Section is responsible for developing new or updating current contingency plans, coordinating with the Strategic Development Division to ensure compliance with CALEA standards and to ensure that the order stays current with the needs of the Department.

Contingency plans for various unusual occurrences are included in the MNPD Incident Command Contingency Plans Manual.

#### **14.10.160 MNPDP Form 444, Incident Response Card**

##### **A. Purpose**

MNPDP Form 444, Incident Response Card, was developed as a guide when dealing with incident command responses and biological and chemical terrorism situations. The card lists reminders for incident response and establishing command posts. Also covered are basic guidelines about what to do, and not do, when responding to a chemical or biological incident.

##### **B. Card Location**

Sworn uniformed employees are urged to carry MNPDP Form 444, Incident Response Card, in their left front shirt pocket. Plain-clothes sworn employees should carry MNPDP Form 444 in their badge case, or with their department identification. By carrying the card in identical locations, the card could be located quickly if an employee is unconscious or unable to provide needed medical information.

##### **C. Personal Information**

MNPDP Form 444, Incident Response Card, has a section for personal information. Employees are requested to complete the name, date of birth, employee number, and emergency notification areas. The blood type, allergies, and current medications areas are optional and may be completed at the employee's discretion.

##### **D. Replacement Cards**

If an Incident Response Card becomes damaged or lost, replacements are available in the Inventory Management Section.

## **14.20 Mutual Aid, Assisting and Coordinating with Other Agencies**

### **14.20.010 Definitions**

- A. **Emergency Situation:** An actual or potential condition that poses an immediate threat to life or property. In the context of mutual aid, it means a situation that exceeds the capability of a local agency to successfully respond to the situation.
- B. **Mutual Aid:** For the purpose of this order, mutual aid shall be defined as official service or support between separate agencies or jurisdictions.
- C. **Mutual Aid Radio System:** A communication network that permits the public safety agencies within the State to communicate with each other directly or by means of a relay system.

### **14.20.020 General Provisions**

- A. As provided by the Local Government Emergency Assistance Act, emergency assistance means any resource provided upon request of one local government to another. With regard to requests for such assistance from law enforcement agencies, it means providing one or more specialized services to assist with an unusual situation.
- B. Should a request be made for emergency assistance, it shall be the responsibility of the Chief of Police or designee to determine if a response is warranted.
- C. All Metropolitan Nashville Police Department (MNPd) policies and procedures will apply to members of this department when responding to a request for emergency assistance in another jurisdiction.
- D. The senior officer of the requesting party on the scene of the emergency shall be in command of the emergency as to strategy, tactics, and overall direction of the operations. All orders or directions regarding the operations of the responding party shall be relayed to the senior officer in command of the responding party. When the Metropolitan Nashville Police Department (MNPd) provides "emergency assistance" within any other jurisdiction, the "Officer-In-Charge" of the department's responding party shall coordinate efforts, and cooperate with, the requesting party, in so much as circumstances permit and/or require. However, the officer-in-charge of the department's responding party shall comply with the policies and procedures of the MNPd and shall exercise discretion to depart the



scene of an emergency when remaining would result in a violation of departmental policies or procedures, or when in his/her judgment it is in the best interests of the department to withdraw.

- E. To ensure the integrity of any emergency assistance provided by the department outside this jurisdiction, each member participating shall act in accordance with established standards of conduct and performance as if he/she were on duty and within this jurisdiction. Failure by any member to observe such standards, as they apply to the situation, may be grounds for disciplinary action.
- F. Any request for "emergency assistance" by the Metropolitan Nashville Police Department shall be made by the Chief of Police or designee, upon the advice and consent of the Mayor, whenever circumstances permit prior consultation. The Chief of Police or designee shall have authority to direct the responding party to depart the scene of the emergency.
- G. In requesting mutual aid, the MNPDP shall utilize existing policies and procedures for incident command in assigning or allocating received resources. ECC shall remain responsible for assignment and delegation of radio communication frequencies and resources consistent with established protocols for radio communications interoperability and shared frequency abilities.
- H. Expenditures or reimbursement to other agencies for costs associated with MNPDP receiving mutual aid will be governed by existing OEM and Metro Finance policies and procedures.

#### **14.20.030 Handling Calls within Goodlettsville City Limits**

- A. MNPDP personnel shall adhere to the following procedure when disregarding calls within the Goodlettsville city limits:
  - 1. On emergency incidents which necessitate the dispatch of personnel from both MNPDP and Goodlettsville Police Department (GPD), **each agency has equal authority to have the other disregard the call, but only upon arrival at the incident.**
  - 2. ECC dispatchers shall immediately relay the cancellation if received from Goodlettsville Police-Fire Communications or from an MNPDP unit on the scene of an incident.
- B. 911 calls and non-emergency calls in the Davidson County jurisdiction of the city of Goodlettsville.

Whenever an emergency or non-emergency call for service is received at the Metro Nashville Emergency Communications Center (ECC), the ECC personnel will take the following action consistent with ECC policy and procedure:

1. The ECC call taker will question the caller and enter the information in the Computer Aided Dispatch System (CAD).
2. The information will be entered into the CAD system and automatically sent simultaneously to the appropriate ECC dispatcher, as well as the Goodlettsville Police Department (GPD) dispatcher.
3. The ECC dispatcher will be responsible for dispatching the call for service unless given a cancellation by the Goodlettsville Police dispatcher.
4. Either agency, ECC or GPD, has the option of canceling a call for service from the other agency if an officer is on the scene of an emergency call.
5. In the case of a non-emergency call, Goodlettsville Police Department may cancel an MNPd response even if they are not on the scene.

#### **14.20.040 Specific Provisions**

##### **A. Emergency Assistance**

1. The Emergency Communications Center (ECC) will, pursuant to their policies and procedures and upon notification from a requesting agency of an emergency situation:

##### **a. Request for Mutual Aid by Outside Agencies**

Mutual Aid channels are monitored 24 hours a day, 7 days a week by the Metro Office of Emergency Management (OEM).

Upon receipt of a mutual aid request, the following steps will be followed:

- (1) OEM will notify the on duty ECC supervisor via the most appropriate method.
- (2) The on duty ECC supervisor will notify the affected precinct dispatcher of the request.

- (3) The ECC dispatcher will notify the highest ranking on-duty supervisor of the personnel or resources being requested of the request and all pertinent details available, and handle the call as described in Article IV, Request for Mutual Aid by MNPd, section (3). If supervisory personnel are not on duty, notify the Field Supervisor Section.
  - (4) The ECC dispatcher will advise all units involved in the incident to switch to that assigned mutual aid channel. A dispatcher will be assigned to the mutual aid channel to provide communications support throughout the incident.
- b. Request for Mutual Aid by the Metropolitan Nashville Police Department (MNPd)

- (1) Notify the highest ranking on-duty supervisor of the personnel or resources being requested of the request and all pertinent details available. If supervisory personnel are not on duty, notify the Field Supervisor Section.
- (2) Request mutual aid cooperation from the requested agencies via the hailing channel (A11 – 8CALL90). If no response was received from the requested agency, they would then be notified by phone.

**NOTE:** Some agencies (Berry Hill, Belle Meade, Goodlettsville, Tennessee Highway Patrol) have been granted limited rights to different talk groups. These agencies may have access to specific precinct talk groups as well as the full A zone (A1-16). Communication between members of different agencies can take place on the precinct talk group or be moved to a mutual aid frequency upon request of the field or ECC supervisor for safety reasons, to free working frequency or repeater locations for the best reception on out of county incidents.

- (3) Activate the appropriate mutual aid channel for communicating with the involved agencies based on repeater location.
  - A12 8TAC91 repeater location -ECC
  - A13 8TAC92 repeater location -Sullivan's Ridge (Bellevue)
  - A14 8TAC93 repeater location -Joelton
  - A15 8TAC94 repeater location -Cane Ridge

**NOTE:** Mutual Aid channels are analog, and some static may be present.

- (4) Upon notification of the outside agency, the ECC dispatcher will advise all units involved in the incident to switch to that assigned mutual aid channel. A dispatcher will be assigned to the mutual aid channel to provide communications support throughout the incident.
- 2. The approving supervisor, as described in section 1 above, shall upon notification of an emergency assistance request:
  - a. Determine if an emergency exists and the level of resources available;
  - b. Cause the appropriate supervisor of the requested unit or resource to be notified to determine the appropriate response. (Such supervisor shall make any required chain of command notifications.);
  - c. Proceed to or assign a supervisor, as required by unit procedures, to respond to the scene to evaluate the incident (unless not required by the requested unit); and,
  - d. Cause the situation to be monitored and reevaluate.
- 3. Responding Supervisor, upon dispatch to the requesting agency shall:
  - a. Proceed directly to the requesting agency's command post or other meeting site;
  - b. Report to the requesting agency's Incident Commander or highest ranking officer on the scene;
  - c. Determine the exact duties and tasks requested of responding personnel, and evaluate compliance with MNPd policies and procedures;
  - d. Coordinate response between requesting and responding personnel;
  - e. Relay situation status to the appropriate supervisory personnel on a regular basis;

- f. Terminate assistance when the situation is resolved, when assistance is no longer needed or effective, or when it is in the best interest of the Metropolitan Nashville Police Department; and
    - g. Cause appropriate MNPd reports to be completed at the termination of the incident.
  - 4. Responding Officer, upon dispatch to the requesting agency shall:
    - a. Proceed directly to the requesting agency's command post or other staging area;
    - b. Report to the appropriate supervisory personnel and perform assigned tasks and duties;
    - c. Relay pertinent information to appropriate supervisory personnel; and
    - d. Terminate assistance when it is apparent that further action is in violation of department policy and/or applicable laws and immediately report to appropriate supervisory personnel.
- B. Non-Emergency Assistance
- 1. All requests for non-emergency assistance must be approved by the Chief of Police or his/her designee.
  - 2. Non-Emergency requests are governed by applicable state law and will generally not be entered into except when deemed by the Chief of Police or designee to be in the best interest of the Department.

## **14.30 Bomb Threats & Explosive Device Procedures**

### **14.30.010 Definitions**

As it pertains to this order, the following terms are defined as follows:

- A. **Hazardous Devices Unit:** A team of personnel of the Metropolitan Police Department who has successfully completed the FBI Hazardous Devices School or its re-certification course within the past three years and meets the standards for bomb technician certification as defined by the National Bomb Squad Commanders Advisory Board.
- B. **Certified Bomb Technician:** A sworn officer of the Metropolitan Police Department who has successfully completed the FBI Hazardous Devices School Basic Course or its Re-certification Course within the past three years and meets the standards for bomb technician certification as defined by the National Bomb Squad Commanders Advisory Board.
- C. **Bomb Emergency:** The threat to use explosives, non-criminal misuse of explosives, and/or the presence of explosives, which is illegal and/or contrary to public safety, or any criminal use of explosives.
- D. **Explosive:** Any compound, mixture or any other type device with the purpose to function by detonation, explosion or chemical reaction. An explosive could be commercial, military or improvised. Only members of the Hazardous Devices Unit who are certified bomb technicians are authorized to handle, move, transport or touch any explosive.
- E. **Suspicious Items:** Any item that has any suspicious or extenuating circumstances.

Suspicious items that may be found during a bomb threat:

1. Items or packages that an Explosive Detection Canine has alerted on.
2. Items or packages that are ticking, beeping or have visible wires protruding.
3. Items or packages that are emitting smoke, vapors or an odor.
4. Items or packages with any unknown powders or liquids.
5. Any other item or package of a suspicious nature that would lead one to believe an explosive and/or incendiary device, or hazardous substance may be present.

#### **14.30.020 Responsibilities of Hazardous Devices Unit**

The Hazardous Devices Unit is charged with the responsibility to respond to any situation involving the criminal use, threatened or misuse of any type of explosives, or when an on-scene supervisor determines that Hazardous Devices Unit personnel's assistance is necessary and/or desirable, or when an event or dignitary security sweep is deemed necessary.

Some of the tasks for Hazardous Devices Unit personnel are to:

- A. Perform render safe procedures on explosives, explosive and/or incendiary devices that are real or suspected.
- B. Recover, transport, and disposal of explosives and explosive and/or incendiary devices.
- C. Function as advisors to public safety personnel and the public regarding any situation involving the use, misuse, or the threat to use explosives.
- D. Provide protective security sweeps or Hazardous Device Canine detection activities as deemed necessary in support of special events or dignitary protection.
- E. Provide any other support as required by the Chief of Police, Deputy Chief of the Community Services Bureau, or Commander of the Special Operations Division or their designees.

#### **14.30.030 Bomb Threat Calls**

- A. Initial response to a bomb threat will be handled by the Patrol Division. The first arriving officer shall:
  - 1. Make contact with the complainant for a debriefing and an evaluation of the facts.
  - 2. Request a representative from management, and advise that a search of the facility and grounds needs to be made by managements' designated search teams.
  - 3. When based on the officer's evaluation of the facts it appears the threat is a hoax, the management at the place that received the threat will be responsible for making the decision to evacuate.

4. If the threat appears to be authentic, or when any item and/or package has been located and is suspicious, the officer shall have the facility evacuated immediately.

The officer shall also:

- a. As soon as practical, establish "Command" and implement the Incident Command System.
  - b. Request Hazardous Devices Unit, supervisory, and support personnel.
  - c. Establish a perimeter for a minimum of 300 feet in all directions.
  - d. Cease use of radio and cellular communications equipment inside the perimeter.
  - e. Locate all witnesses and persons with knowledge of the incident, and put them in an area outside the perimeter in a safe zone to be interviewed by Hazardous Devices Unit personnel.
  - f. Maintain the perimeter until Hazardous Devices Unit personnel release the inner-perimeter. Do not allow anyone inside the perimeter without authorization of Hazardous Devices Unit personnel.
5. **At no time should any unauthorized person touch, handle, move, remove or transport items in question.** Only personnel from the Hazardous Devices Unit, who are certified Bomb Technicians, shall be allowed to touch, approach, or move any item or package deemed to be suspicious.
  6. Complete an Incident Report, using the appropriate offense and classifications.
- B. Upon arrival of supervisors, "Command" will be transferred or assumed as with any other incident. Hazardous Devices Unit Personnel will not staff the Incident Command, as they will be involved with inner perimeter and the render-safe activities.

#### **14.30.040 Found or Recovered Explosives**

- A. Initial response to any bomb emergency incident will be handled by the responding officers.



The first arriving officer shall:

1. Make contact with the complainant for debriefing and an evaluation of the facts.
  2. Establish a perimeter for a minimum of 300 feet in all directions.
  3. As soon as practical, establish "Command" and implement the incident command system.
  4. Request the Hazardous Devices Unit to respond, along with supervisory and support personnel as danger exists when on the scene of **any** found or recovered explosive.
  5. Evacuate the immediate area around the explosive in question and maintain the perimeter.
  6. Cease use of radio and cellular communications equipment inside the perimeter.
  7. Locate all witnesses and persons with knowledge of the incident and put them in an area outside the perimeter in a safe zone to be interviewed by Hazardous Devices Unit personnel.
  8. Maintain perimeter until the inner perimeter is released by Hazardous Devices Unit and do not allow anyone inside the perimeter without authorization of Hazardous Devices Unit.
  9. **At no time should any unauthorized person touch, handle, move, remove or transport items in question.** Only personnel from the Hazardous Devices Unit, who are certified Bomb Technicians, shall be allowed to touch, approach, or move any explosives or explosive materials.
  10. Complete an Incident Report using the appropriate offense and classifications
- B. Upon arrival of supervisors, "Command" will be transferred or assumed as with any other incident. Generally, Hazardous Devices Unit personnel will not staff the Incident Command, as they will be involved with inner perimeter and the render-safe activities.

#### **14.30.050 Suspicious Items and/or Packages**

- A. Initial response will be handled by the responding officers. The first arriving officer shall:

1. Make contact with complainant for debriefing and an evaluation of the facts.
2. If the item or package would lead one to believe it could contain an explosive, explosive and/or incendiary device, the area shall be evacuated and a perimeter established for a minimum of 300 feet in all directions.
3. As soon as practical, establish "Command" and implement the incident command system.
4. Request the Hazardous Devices Unit, supervisory, and support personnel to respond.
5. Personnel must consider the presence of additional devices that may be present to target emergency responders and visually inspect the surrounding area accordingly. *(Suspicious items and/or packages may be in the form of a vehicle bomb, concealed in a trashcan, or any other item large enough to hide or contain explosives.)*
6. If the suspicious item or package contains, or is large enough to contain an explosive, explosive and/or an incendiary device and contains or is contaminated with a powder, unknown liquid or any other possible hazardous substance, personnel shall request the Hazardous Devices Unit and Metro Fire Department Hazardous-Materials.
7. If the item or package is suspected to contain any explosive, personnel will cease use of radio and cellular communications equipment inside the perimeter.
8. Locate all witnesses or persons with knowledge of the incident and put them in an area outside the perimeter in a safe zone to be interviewed.
9. **At no time should any unauthorized person touch, handle, move, remove or transport items in question.** Only personnel from the Hazardous Devices Unit, who are certified Bomb Technicians, shall be allowed to touch, approach, or move any item or package deemed to be suspicious.
10. Maintain the perimeter until Hazardous Devices Unit personnel and Metro Fire Department Hazardous-Materials release the inner-perimeter. Do not allow anyone inside the perimeter without

authorization of Hazardous Devices Unit or Metro Fire Department Hazardous-Materials personnel.

11. Complete an Incident Report using the appropriate offense and classifications.

- B. Upon arrival of supervisors, "Command" will be transferred or assumed as with any other incident. Generally, Hazardous Devices Unit personnel will not staff the Incident Command, as they will be involved with inner perimeter and the render-safe activities.

#### **14.30.060 Bomb Explosions**

- A. Initial response to an explosion will be handled by the responding officers. The first officer shall:
1. Evaluate the overall situation and request Fire and EMS assistance.
  2. As soon as practical establish "Command" and implement the incident command system.
  3. Cease use of radio and cellular communications equipment inside the perimeter.
  4. Request the Hazardous Devices Unit, supervisory, and support personnel.
  5. Establish perimeter around affected area; this area should be a minimum of 300 feet in all directions or an area that encompasses any apparent evidence, debris or damage.
  6. Responding personnel should be aware of concerns, in addition to the primary threat, in the form of:
    - a. Additional devices
    - b. Blood-borne pathogens
    - c. Hazardous Chemicals
    - d. Potential for Structural Collapse
  7. Once Fire Department and EMS have completed their tasks, no one should be allowed to enter the post blast crime scene until Hazardous Devices Unit has cleared the area.
  8. Blast debris will not be moved or examined by anyone except Hazardous Devices Unit personnel.

9. Locate all witnesses and persons with knowledge of the incident, and put them in an area outside the perimeter in a safe zone to be interviewed by investigators.
  10. Maintain the perimeter until Hazardous Devices Unit personnel release the inner-perimeter. Do not allow anyone inside the perimeter without authorization of Hazardous Devices Unit personnel.
  11. Personnel who might encounter body fluids or tissue shall wear personal protective equipment, including masks, gloves, jumpsuit and shoe/boot covers.
  12. Complete an Incident Report using the appropriate offense and classifications.
- B. Upon arrival of supervisors, "Command" will be transferred or assumed as with any other incident. Generally, Hazardous Devices Unit personnel will not staff the Incident Command, as they will be involved with inner perimeter and the render-safe activities.

#### **14.30.070 Command Authority of Hazardous Devices Unit**

- A. Upon arriving at any bomb emergency, the Hazardous Devices Unit Commander or his/her designee will assume complete and total control of the inner perimeter.
- B. Hazardous Devices Unit personnel will recognize, cooperate with, and coordinate with line supervisory personnel. This interaction shall be conducted through the incident command system.
- C. While maintaining control of the inner perimeter, Hazardous Devices Unit personnel may make reasonable requests of, and give instructions to line personnel and/or supervisors.
- D. All personnel on the incident shall comply with all reasonable requests and instructions of the Hazardous Devices Unit supervisor or bomb technician while the Hazardous Devices Unit is maintaining control of the inner perimeter.

#### **14.30.080 Relinquishing Control of Scene and Joint Investigations**

- A. Upon determining that the scene is stable and secure, the Hazardous Devices Unit Commander, or his/her designee, will relinquish the scene to the Incident Commander.

- B. The Incident Commander will maintain the crime scene perimeter, and will allow investigative personnel to begin processing the crime scene.
- C. Departmental on-scene investigator(s) may request the presence of other investigative personnel or agencies. Such requests shall be conducted via the incident command system.
- D. Other agencies or resources that may be considered, but not limited to:
  - 1. Nashville Fire Department
  - 2. Office of the Medical Examiner
  - 3. Office of the District Attorney
  - 4. Federal Bureau of Investigation
  - 5. Bureau of Alcohol, Tobacco, Firearms and Explosives
  - 6. U.S. Secret Service
  - 7. U.S. Marshal's Service
  - 8. U.S. Postal Inspectors
  - 9. Ft. Campbell EOD Unit

## **14.40 Canine Unit – Policy and Procedure**

### **14.40.010 Introduction to Canine Procedures**

The use of the police canine is a valuable and legitimate tool in law enforcement for **use in certain designated felony apprehensions** as well as the deterrent effect of their presence in areas of high criminal activity. The use of the police canine in making and maintaining felony arrests is authorized when circumstances of a particular incident justify such use. In this connection, all members of the Department must bear in mind that the use of the police canine in making or maintaining an arrest constitutes the use of force or an implied threat of the use of force. Therefore, it is imperative that an officer requesting canine assistance as well as the canine personnel involved be reasonably cognizant of all available facts and circumstances before a decision is made to utilize the canine team.

The MNPD also employs the use of non-aggressive canine tracking teams. Such teams are trained for searches that involve missing persons and cadaver searches.

### **14.40.020 General Provisions**

- A. The Canine Section, in general, by the nature of its training, is a responding felony unit. The canine handler must bear in mind that in each situation where canine assistance is requested, he alone is responsible for making the initial decision as to utilize the canine, unless he is relieved of the responsibility by a Canine Section supervisor on the scene. When any sworn supervisor makes the decision to use the canine team against the advice of the canine handler, that supervisor alone assumes full responsibility for the canine team's actions, and thus will be held accountable for the results of his/her decision(s).
- B. The primary purpose of the Canine Section shall be to develop and maintain highly trained canine teams (i.e. handler/dog) to assist line elements of the Department in the accomplishment of the following common objectives:
  - 1. The apprehension of felony suspects
  - 2. The deterrence of criminal activity.
  - 3. Assisting in the search for missing persons
  - 4. Assisting in the search for narcotics or other contraband

Keeping in mind that the Canine Section is primarily a Felony Response Unit, such assistance to line elements shall include:

1. To effect the arrest of suspects believed (based on probable cause) to have committed at **least one (1)** of the felonies as specified below.
2. To conduct building search.
3. Felony tracking.
4. To conduct open area search.
5. To conduct evidence search.
6. To conduct explosive search.
7. To conduct a missing persons search.
8. Felony riot control - **To be utilized only in dire emergency situations.**

#### **14.40.030 Utilization and Deployment Policies**

- A. An aggressive canine team may be used only when there is probable cause to believe the suspect has committed or attempted to commit one (1) of the following felonies:
1. Murder of the first or second degree or voluntary manslaughter, vehicular homicide;
  2. Aggravated or especially aggravated robbery;
  3. Rape or aggravated rape;
  4. Kidnapping- including aggravated and especially aggravated kidnapping;
  5. Use of explosives to injure persons;
  6. Burglary (excluding freight or passenger cars, automobiles, trucks, trailers or other motor vehicles);
  7. Auto theft;
  8. Aggravated assault (only if the person is hospitalized or a deadly weapon used), or
  9. Escape (when the person was being held for at least one (1) of the aforementioned felonies), unless otherwise authorized by a Canine supervisor who is on the scene.

**IMPORTANT:** Regardless of the offense(s) involved, any time a canine team is used to conduct a search, the handler must have his/her dog under control at all times.

- B. A building search shall be defined as the search of a building or other structure for the purpose of locating and apprehending a felony suspect who has concealed himself for the purpose of avoiding arrest.
1. The initial officer(s) arriving on the scene where a canine team is

dispatched shall not enter the building or structure to be searched, but will secure the outside perimeter and allow no one to enter until the arrival of the canine team, at which point the officer(s) will maintain perimeter security of the building until the canine team has completed the search.

2. Before releasing a canine in a building, the handler will issue the standard verbal warning: **"METRO POLICE K-9--COME OUT NOW--OR A DOG WILL BE USED TO FIND YOU AND MAY BITE YOU"**, in a loud, clear voice with the intention of warning the suspects(s) inside that the canine will soon be released in the building to search for the suspect(s) if he/she doesn't come out, and wait at least 60 (sixty) seconds after giving the warning before releasing the canine, unless articulable exigencies require a release without warning, or a shorter or longer wait after the warning before releasing the canine.
  3. No one will accompany the canine team during the building search unless requested to do so by the handler.
  4. It cannot be stressed strongly enough that when the use of a canine team is contemplated, every effort should be made to insure against contamination of the search area. Contamination occurs when any other human scent is allowed in the search area other than that of the suspect. Unnecessary contamination greatly reduces the canine team's effectiveness and places the handler conducting the operation in a greater degree of danger.
- C. Felony tracking is the process of utilizing the canine to follow (track) a felony suspect from his/her last known location to the point of concealment.
1. When a canine team has been dispatched or has been requested to assist in a felony tracking operation, it shall be the responsibility of the initial officer(s) arriving on the scene to secure the suspected search area and avoid contamination of a search area.
  2. All officers involved in the operation shall try to coordinate their positions with the canine handler so as to facilitate a perimeter security around the search area.
  3. The success or failure of a tracking operation often depends on the amount of contamination in the search area which has occurred prior to the canine team's arrival.



4. If a track is started inside Davidson County and continues into an adjacent county, the canine handler has the discretion to continue with the track. If the canine handler arrives on scene of a crime and determines the track could possibly go into an adjacent county, he/she should contact their supervisor prior to starting the track. A second canine team is preferred to accompany the primary canine handler, but at a minimum, a back-up officer is required
- D. Open area search is the search for a felony suspect in an area where there is no specific point at which to initiate a tracking operation (i.e., no exact last known location of suspect).
1. The same responsibilities and operational procedures apply here as those involved in a tracking operation.
  2. All personnel must be made aware in this particular operation that the police canine will be working off-lead. The responsibility for this awareness is shared by all involved personnel.
  3. The police canine will not be taken off-lead unless the handler and all personnel involved are reasonably certain that there are no innocent bystanders in the area.
- E. Evidence Search is the utilization of the police canine team for the purpose of locating lost and/or concealed articles of evidence at or near a crime scene.
1. As with all operations involving the utilization of the canine team, every effort must be made to guard against unnecessary contamination of the area which is to be searched.
  2. It is the responsibility of the officer(s) on the scene to keep all foot traffic in the search area to that which is absolutely necessary until the arrival of the canine search team and the completion of the search.
- F. Explosive Search (see detailed policy concerning E/D teams)
- G. It is the policy of the Metropolitan Police Department to place strict limitations on the use of police dogs in crowd control, civil disorders, or riot situations.

In the event of such an occurrence, the canine teams may be dispatched to the problem area in a standby status. The canine team(s) are only to be utilized in a dire emergency situation at the direction of the Chief of Police or his/her designee. Such an

emergency would be for crowd control in conjunction with an all-out police effort to rescue isolated officers or citizens in danger of being injured or killed.

- H. In the event that an apprehension is effected by a member of the Canine Section involving any of the aforementioned circumstances, the person apprehended will be turned over to the officer(s) who received the initial call. It will be the responsibility of that officer(s) to handle the person apprehended in the appropriate manner (i.e., medical treatment, booking, etc.).
- I. A Precinct Investigation Unit shall be called to investigate dog bites on suspects and others that have been injured by dogs of the Canine Unit. It will be the responsibility of the canine handler and handler supervisor to insure that Homicide is properly notified. Precinct Investigators will in turn forward copies of their investigation to the Chief of Police and Deputy Chief of Police as soon as possible.

#### **14.40.040 Out-of-County Call-out Procedures**

From time to time the Canine Section is called upon to assist other agencies outside Davidson County. When this assistance is requested, the following policy and procedure shall apply.

- A. The basis for the call-out shall be limited to those situations where assistance is requested to effect the arrest of a suspect believed (based on probable cause) to have committed at least one (1) of the felonies as specified in 14.40.030., A. of this order, or involve a situation that is non-criminal in nature as specified in 14.40.050., herein.
- B. A minimum of two canine teams should be dispatched in order to provide adequate safety for handlers as well as the canines involved.
- C. A canine supervisor should accompany the teams on out-of-county call-outs, whenever possible.
- D. The approval of the Special Operations Division Commander or on duty Field Supervisor Section Captain is required on all out-of-county call-outs.

#### **14.40.050 Non-Felony Utilization Procedures**

The Canine Section is often called upon to respond to non-felony type requests. Such request shall be for assistance in order to locate missing

and/or lost children, or mentally ill persons. There exists the ever present possibility of physical contact between the canine and the person whom we are attempting to locate. Because of this possible contact the following procedure must be followed:

- A. The non-aggressive tracking team is trained to search for missing persons, children, elderly persons, mental patients, etc.
- B. A non-aggressive tracking team is not trained in handler protection and **cannot** be used for felony or misdemeanor apprehensions.
- C. To conduct a successful search for a person, the search area should not be contaminated by foot traffic. If the search area has been contaminated by officers, search parties, media etc., it is extremely difficult to conduct a successful search.
  - 1. When a canine team has been requested to assist in a non-aggressive tracking operation, it shall be the responsibility of the initial officer(s) arriving on the scene to secure the suspected search area and avoid contamination of that area.
  - 2. All officers involved in the operation shall try to coordinate their positions with the canine handler so as to facilitate a perimeter security around the search area.
  - 3. The initial officers on the scene shall supply the canine handler with a detailed description of the subject/suspect.
  - 4. The initial officers on the scene shall supply the canine handler with the last known location of the subject/suspect. This should be the starting point of the track.
- D. Weather and time are important factors when attempting to follow an individual's trail. In determining the length of time a trail will remain, consideration should be given to the type of terrain, lighting, and weather conditions at the current time and when the subject was last seen.
- E. Missing person searches will be generally conducted at the request of the highest ranking field supervisor at the search scene.
- F. Prior to initiating a missing person search, MNP Form 700A, Canine Liability Release, shall be completed, signed and witnessed.
- G. The police canine should never be utilized unless a non-aggressive canine is not available and there exists the likelihood of serious bodily

injury or death if the person who is lost is not located quickly (i.e., a small child lost in sub-zero weather).

**14.40.060 Rules, Regulations, and Procedures for Members of the Metropolitan Police Canine Section:**

- A. The Canine Section is an assisting unit to all other divisions of the Department and this should be foremost in the canine handler's mind.
- B. All Department personnel, particularly the canine handler, must recognize that the use of the police canine in any situation constitutes the use of force, or the implied threat of the use of force. Therefore, it is imperative that, prior to actual use of the canine, the decision to utilize the canine be made with full knowledge of the degree of force justified.
- C. The canine handler is responsible for the proper care and maintenance of his assigned canine as well as his/her assigned equipment.
- D. The canine handler has the responsibility of maintaining his/her canine at an acceptable level of proficiency. If at any time the handler becomes aware that his/her assigned canine is not at an acceptable level of proficiency, his/her immediate supervisor will be contacted so that corrective action can be taken immediately.
- E. Canine handlers will receive shift assignments in accordance **with** current department policy.
- F. The police canine will not be utilized in any manner so as to cause or appear to cause a threat to the general public.
- G. Public demonstrations will be conducted only with the authorization of the Section Commander.
- H. An opportunity to surrender will be given to all suspects before releasing the canine, unless articulable exigencies require a release without warning. All handlers will issue the standard verbal warning: **METRO POLICE K-9--COME OUT NOW--OR A DOG WILL BE USED TO FIND YOU, AND MAY BITE YOU"**.
- I. When a member of the Canine Section effects an arrest, he will turn the suspect(s) over to the initial officer(s) responsible for the call and return to service as soon as possible.
- J. The first canine handler arriving on the scene where another handler has been injured will be responsible for the safe disposition of the injured handler's canine and the immediate notification of a canine

supervisor.

- K. Canine handlers will not leave their canines in any vehicle and/or other enclosure for an undue period of time that may reasonably be foreseen to cause discomfort to the canine.
- L. Handlers must secure their canine in an assigned kennel during the period of time that the canine is not under the direct control of the handler. The kennels are to be secured with a galvanized fork latch and a Yale lock which are to be periodically checked by the handler for potential safety corrections. All canine handlers will adhere to a co-residency requirement, whereby the assigned canine will be kenneled at the location where the handler resides.
- M. The canine handler will utilize only that equipment which has been issued to him/her. The handler will be responsible for the periodic inspection of their equipment to insure the safe condition of same.
- N. Handlers will be held accountable for the actions of their assigned canines, unless relieved of this responsibility by a supervisor.
- O. All medical needs will be provided by an approved veterinary service as designated by the Section Commander.
- P. The canine will not be utilized in areas where conditions exist that are adverse to the canine's health or welfare.
- Q. All canine handlers are to adhere to all scheduled training and/or retraining assignments.
- R. A standard training and performance record shall be kept on each canine, designed to assist in evaluation of the canine.
- S. Any training which the handler conducts on his/her own must be authorized by his/her supervisor and must be documented so as to be a permanent part of his/her training record.
- T. Upon the retirement of a handler's canine, the handler in question will be re-evaluated by his/her supervisors and training personnel before he/she commences any further training.
- U. All reports pertaining to an apprehension made by a canine team will be reviewed and approved by a canine supervisor.
- V. All circumstances pertaining to any physical apprehension made by a canine will be reviewed and evaluated by a canine supervisor. Such evaluation of circumstances will take place at the crime scene or at the

appropriate medical facility whenever possible. The canine Unit supervisor will report on his review and evaluation of the physical apprehension to the Section Commander and a record of the evaluation will be maintained.

**14.40.070 Canine Section Training Personnel Duties, Responsibilities, and Procedures:**

The duties of Canine Section Training Personnel shall include but are not limited to, the following:

- A. Schedule, conduct, and supervise the training of canine teams (handler/dog) from the beginning of their service with the Canine Section until the conclusion of said service.
- B. Maintain complete documentation of all training in which each team is involved.
- C. Schedule and coordinate continuous re-training activities so as to identify and eliminate any problems which may arise with individual teams.
- D. Submit periodic evaluation reports on each canine team to all levels of command within the Bureau, as well as within the Canine Unit.
- E. Monitor and evaluate periodically the actual on-the-street performance of all canine teams, so as to identify any deficiency and correct same.
- F. Make recommendations as to the discontinuance of training or certification of any officer or canine whose performance does not meet acceptable standards.
- G. Purchase, inventory, and maintain supplies and equipment which are necessary for the normal operation of the Canine Unit.
- H. Coordinate all training activities with the Canine Unit Shift Commanders, so as not to impede the Unit's state of tactical and operational readiness.
- I. Keep informed as to new training techniques and/or operational procedures which may improve our present training and/or operational standards.
- J. Maintain the highest possible standards in the Unit's training and/or retraining operations.
- K. Coordinate all requests for public demonstrations and assign adequate

personnel to perform said demonstrations.

- L. Schedule, conduct, and supervise all specialty training (i.e., explosive detector team, competition training).
- M. Schedule, conduct, and supervise all out-of-county agency training and/or retraining.
- N. Maintain all training equipment in good functioning order.

**14.40.080 Metropolitan Police Canine Explosive Detection Team Utilization and Call-out Procedures:**

- A. The Canine Explosive Detection Team (i.e. handler/dog) is a trained unit designed for the purpose of locating explosive devices which are not easily detectable by other means. These teams can search in an expedient manner while exposing a minimum number of officers to danger. While these teams are highly proficient, they are not trained to perform simply for visual effect or to be utilized in a manner which is beyond their ability. When the team is requested, it should be handled as an actual threat and total cooperation from all personnel involved is required.

The Explosive Detection Teams are trained and possess the ability to detect modern explosives which may be concealed in the following locations:

- 1. Small buildings (example: local branch bank, McDonalds restaurant, etc.) Canine can be utilized for a maximum 10 to 15 minute search.
  - 2. Various containers (example: luggage, packages, etc.)
  - 3. Vehicles (canine's capability limited to 12 vehicles)
  - 4. Aircraft
  - 5. V.I.P. security clearance sweeps
- B. Policy for Requesting Explosive Detection (E/D) Team  
When making a request for an Explosive Detection (E/D) Team, the following guidelines should be followed:
    - 1. No E/D Team should be dispatched until the ranking police supervisor on the scene has evaluated the situation and made the request.
    - 2. The primary concern when a police supervisor is making his/her evaluation is the size of the area to be searched. The normal

search time for the E/D Team, while maintaining search proficiency, is 15-20 minutes. After this, the dog must be rested or another E/D Team called into complete the search. It is impossible and unrealistic for the E/D Team to attempt to search large buildings such as: multi-level office buildings, schools, factories, shopping malls, etc. If, however, there is reason to believe that a device has been placed in a "specific" area within one of these structures, then the E/D Team may be utilized to search that "specific" area (i.e. cafeteria, break room, lobby, restroom). E/D Teams cannot be utilized in areas with harmful chemicals, or in structures with ceilings higher than 10 feet.

3. The secondary concern before requesting the dispatch of an E/D Team is that the complainant be willing to totally evacuate the premises to be searched.
4. If all of the aforementioned conditions have been met, the supervisor on the scene is authorized to make a request for an E/D Team. If a E/D Team is not on duty, the dispatcher will notify one from the emergency on-call roster.
5. Prior to the E/D Team's arrival, the following requirements should be met:
  - a. Building and/or area to be searched should be "totally" evacuated.
  - b. Persons evacuated should take their personal possessions with them.
  - c. Someone who is familiar with the building should be standing by to brief the canine officer upon his arrival.
  - d. All fans, blowers, and air-conditioning units should be turned off prior to the team's arrival.
  - e. The requesting police supervisor should be standing by to brief the canine officer upon his/her arrival.
  - f. No one will accompany the team during the search unless the handler requests.
  - g. The ultimate decision as to whether or not a search will be conducted will be left to the determination of the canine handler.



- h. If an indication of time of detonation has been given the E/D Team will not enter the building 30 minutes before nor up to 30 minutes after indicated detonation.

## 14.50 ACTIVE DEADLY AGGRESSION INCIDENTS

### 14.50.010 PURPOSE

The goal of police intervention in active deadly aggression incidents is to neutralize the threat(s) by preventing access to potential victims, rescuing injured persons and potential victims, or a movement to neutralize the deadly aggressor(s). This goal can be achieved by various means, up to and including, the use of deadly physical force.

### 14.50.020 DEFINITIONS

- A. ACTIVE DEADLY AGGRESSION INCIDENT:** An incident where an armed person or persons have used or are reasonably likely to use deadly force on other persons or continues to do so while having unrestricted access to additional victims.
- B. IMMEDIATE ACTION RAPID DEPLOYMENT:** The swift and immediate deployment of law enforcement personnel and resources to ongoing, life threatening situations where delayed deployment of personnel could otherwise result in death or great bodily injury to innocent persons. Immediate Action Rapid Deployment tactics are not a substitute for conventional response tactics to a barricaded gunman.
- C. ACTIVE STATUS:** Law enforcement personnel are on scene and there is stimulus driving and/or directing the personnel towards the active aggressor/s.
- D. INACTIVE STATUS:** Law enforcement personnel are on scene and active aggressor stimulus has stopped. There are indicators driving and/or directing the personnel toward the direction they believe the active aggressor/s was last observed. During this time law enforcement personnel will be conducting slow methodical searches for the active aggressor/s.
- E. ACTIVE AGGRESSOR STIMULUS:** Intelligence gathered by first responding law enforcement personnel that provides immediate indication of the direction of the active aggressor violence. Examples: gunshots, explosions, running victim and witness statements, etc.
- F. ACTIVE AGGRESSOR INDICATORS:** Intelligence gathered by first responding law enforcement personnel that lead personnel to believe that the active aggressor has travelled in a certain direction. Examples: ammunition casings, blood trails, evidence of gunshots on surroundings, explosion debris, victim and witness statements, etc.
- G. HOT ZONE:** An area where a direct and immediate threat exists. A direct and immediate threat is very dynamic and is determined by the complexity and

circumstances of the incident. It's an area within the range of active gunfire or secondary devices immediately dangerous to life and health. This area could also be classified as the "Inner Perimeter".

- H. WARM ZONE:** The area where a potential threat exists, but the threat is not direct or immediate. It's an area **within** the inner perimeter that officers have done preliminary clearance of any potential threats or hazards, evaluated the level of security the area offers and taken steps to establish reasonable security measures. Examples: assigning officers to cover entry/exit points, etc.
- I. COLD ZONE:** An area where no significant danger or threat can be reasonably anticipated. This could be achieved by distance, geographic location or inaccessible areas from the incident. The cold zone is the location for staging of resources, ICP, treatment and transportation of patients. This area could also be classified as the "Outer Perimeter"
- J. Evacuation Chain:** A quick and efficient method to evacuate ambulatory victims from a scene. This method places officers within line of site view of fellow officers giving verbal directions and pointing at the next officer they wish the victims to move towards, eventually leading to a safe containment area for victims. **No bags, purses or personal articles (to include cellphones)** of any kind are allowed to be taken with them from the area as they evacuate.
- K. Containment Area for Victims:** A safe area inside the perimeter for victims without life threatening injuries. This area is away from any other staging areas or the command post. To ensure there are no persons possessing any weapons and/or devices in this safe area, officers shall direct the victims to line up and be frisked before they enter this area. **No bags, purses or personal articles (to include cellphones)** of any kind are allowed to be taken into this area.

#### **14.50.030 POLICY**

It is the policy of the MNPd, based on training and experience, to permit initial responding officers the authority and responsibility to take immediate action to contain and if necessary, neutralize active deadly aggression incidents to reduce or eliminate the likelihood of additional violence or threat to life.

#### **14.50.040 PROCEDURE**

##### **A. INTRODUCTION:**

It is not unusual for a tactical team to arrive at the scene of a barricaded incident and find that patrol personnel have contained the suspect within a secure perimeter. There is generally time for the tactical team to deploy their personnel without serious concern of the suspect(s) escaping. Once the incident has been

isolated, time enables patrol and/or tactical personnel to formulate a structured and deliberate plan.

However, there are scenarios that require immediate action and rapid deployment of patrol personnel prior to the arrival of a tactical team. In these cases, delayed deployment could have catastrophic consequences. These scenarios often involve an ongoing "shots fired or downed officer/citizen rescue." It may also necessitate the immediate and rapid deployment of law enforcement personnel to contain and prevent the escape of an armed and dangerous person(s).

The active deadly aggression concept represents a shift in patrol response tactics, equipment needs, and command protocol. These situations require the initial police responders arriving on the scene to have the authority and the capability to take action without waiting for command staff or for the arrival of specialty units such as SWAT or Crisis Negotiators. This policy contains the following information concerning active deadly aggressor incidents:

1. Characteristics of active deadly aggressor
2. Procedures for active deadly aggression incidents
3. Guidelines for development of tactics for use in responding to active deadly aggression incidents

## **B. CHARACTERISTICS OF AN ACTIVE DEADLY AGGRESSOR:**

The following is a list of characteristics commonly associated with active deadly aggressor suspects. The list is compiled from descriptions of past active deadly aggressors and not meant to be a comprehensive list describing all active deadly aggressors: Each active deadly aggressor situation is unique.

1. Active deadly aggressors usually focus on assaulting persons with whom they come into contact. Their intention is usually an expression of hatred or rage rather than the commission of a crime.
2. An active deadly aggressor is likely to engage more than one target. Active deadly aggressors may be intent on killing a number of people as quickly as possible.
3. Generally, the first indication of the presence of an active deadly aggressor is when he or she begins to assault victims.
4. Active deadly aggressors often go to locations where potential victims are close at hand, such as; schools, theaters, concerts or shopping malls. Active deadly aggressors may act in the manner of a sniper, by assaulting victims

- from a distance. Active deadly aggressors may also engage multiple targets while remaining constantly mobile.
5. Tactics such as containment and negotiation, normally associated with standoff incidents may not be adequate in active deadly aggressor events. Active deadly aggressors typically continue their attack despite the arrival of emergency responders.
  6. Active deadly aggressors are often better armed than first responders, sometimes making use of explosives, traps and body armor. Active deadly aggressors are not limited to the use of firearms in accomplishing their attacks on victims. Active deadly aggressors may also use bladed weapons, vehicles, or any tool that, in the circumstance in which it is used, constitutes deadly physical force.
  7. Active deadly aggressors may have a planned attack and be prepared for a sustained confrontation with the police. Historically, active deadly aggressors have not attempted to hide their identity or conceal the commission of their attacks. Escape from the police is usually not a priority of the active deadly aggressor.
  8. Active deadly aggressors may employ some type of diversion.
  9. Active deadly aggressors often experiment with explosive devices prior to committing their acts of violence. First responders should use caution in where they park and set up Command Post locations.
  10. Active deadly aggressors may be indiscriminate in their violence or they may seek specific victims.
  11. Active deadly aggressors may be suicidal, deciding to die in the course of their actions either at the hand of others or by a self-inflicted wound.
  12. Active deadly aggressors usually have some degree of familiarity with the building or location they choose to occupy.
  13. Active deadly aggressor events are dynamic and may go in and out of an "active" status; a static incident may turn into an active deadly aggressor event or an active deadly aggressor may go "inactive" by going to a barricaded status without access to victims.

### **C. RESPONSE GUIDELINES:**

The following seven (7) tenets set general response guidelines for active deadly aggressor incidents. Again, these incidents are sufficiently unique in such that their effective handling cannot be totally reduced to procedures. These

procedures are not meant to limit conventional police tactics, which are appropriate to a crisis situation. The significant factors regarding these tactics are that they represent a means of intervention available to the officers and there is the potential of elevated risk to bystanders and officers. The risk is acceptable in light of the potential these tactics have for saving lives. Another significant aspect of the active deadly aggressor tactical doctrine is that officers arriving at the scene of an active deadly aggressor incident are authorized to intervene prior to the arrival of command personnel and special units.

1. Goal:

The overall purpose of these tactics is to save lives and prevent serious injuries. The goal for police response at an active deadly aggressor event is neutralization by denying access to additional victims, rescuing injured victims and/or rescuing potential victims.

2. Assume Tactical Responsibility:

One initial officer must take charge of the active deadly aggressor incident. Assumption of tactical responsibility may be based on rank, expertise or seniority. However, it must be made immediately clear to both the Communications Centers and other officers, who is in charge. An officer of superior rank who is on scene and fully briefed may ultimately assume incident command. Any change in incident command will be made known to Dispatch and other officers.

3. Situational Analysis:

The officer taking charge must, based on all information available, make a situational analysis. The analysis will be continuous, taking into account new information from Dispatch and observations from officers and citizens. The analysis must lead to a decision as to whether the situation is an active deadly aggressor event, whether an opportunity exists for immediate intervention leading to accomplishment of one of the goals listed above, and how responding resources should be employed at the scene.

4. Incident Command:

An active deadly aggressor event is a complex situation requiring considerable assets for success. Large, unfamiliar locations such as schools, businesses, or other public venues pose serious problems from the command and control aspect. A successful outcome can only be accomplished if command and control is established early on; otherwise it may never be obtained. No action will be taken that is unplanned or without controls. The first officer arriving on scene will initiate incident command. It is important to understand this is a mobile command as they enter into the scene to stop the

threat. He/she will initiate the situational analysis and determine initial deployment of responding resources. As more personnel start to arrive, at least one person possessing all available information on tactical plans will remain at the command post to brief arriving personnel and assume the appropriate role in the Incident Command to direct resources. Command personnel en route to the incident will monitor the radio to gain information, but shall not obstruct ongoing intervention. Command personnel must be on scene and fully briefed before assuming incident command.

The Incident Commander (IC) must demonstrate clear, expedited and decisive leadership. Furthermore, active deadly aggressor events challenge the ability of the supervisor to rapidly gain control of an incident, unlike other tactical situations. The Incident Commander should:

- a. Assess the situation
- b. Establish communication with the initial Contact Team
- c. Coordinate and deploy responding resources
- d. Assemble additional Contact and Rescue Teams
- e. Broadcast a situation estimate (prioritize):
  - i. Location and number of suspects and type of weapons involved
  - ii. Estimate size of the crowd and number of casualties and fatalities – if known
  - iii. Additional assistance needed (fire, medical, etc.)
- f. Maintain the Radio Frequency (i.e. if the incident starts on South air, it must stay on South air)
  - i. Critical Incident Command does NOT change channels until the situation has been mitigated and it is safe to do such
  - ii. The Emergency Communications Center (ECC) will divert the Radio Frequency handling routine communications such as calls for service to an alternate channel
- g. Establish Incident Command to coordinate resources and gather/disseminate information
  - i. Location of Hot, Warm and Cold Zones
  - ii. Location of Staging Area and Incident Command Post
  - iii. Location for witness and bystanders
  - iv. Staging for EMS, Media, etc
  - v. Ingress/egress routes for emergency vehicles,
  - vi. Provide ongoing information to Public Information Officer as needed for public notification during and after incident.
- h. Request additional resources; if necessary
  - i. Specialized resources (SWAT, Canine, Bomb Squad)
  - ii. Fire Department and Paramedics
  - iii. Federal, State and/or Local Agency assistance
  - iv. Establish command and control

**5. First Responder Tactical Intervention:**

When responding to active deadly aggressor incidents, the MNPD endorses the concept of first responder tactical intervention. It is critical that all officers, supervisors, and command personnel are familiar with the definition of an active deadly aggressor as well as the tactics deemed appropriate for active deadly aggressor response. The traditional uniform responses of contain, isolate, evacuate, and wait for SWAT and Crisis Negotiators may not be adequate in an active deadly aggressor incident.

6. Deployment and Entry

- a. The obvious problem of deployment into large structures is hindered by the fact that the suspect may not be readily identifiable. Additionally, there may be more than one suspect. The suspect has a distinct advantage when lying in wait while the Contact Team is at a disadvantage in searching for and apprehending this suspect. Depending upon the size of the venue (school, workplace, etc.), officers may encounter anywhere from 100 to 5,000 innocent victims who are potential targets and/or hostages, as well as 50 to 500 entrances and exits that have to be secured, watched or breached. To give themselves every possible advantage prior to an incident, officers should be familiar with the layout of possible targets, such as schools.
- b. Upon arrival at the scene where aggressive deadly behavior is ongoing, intelligence may be sparse and fragmented. Information may be obtained “on the run” from fleeing witnesses, spent casings on the ground, observing damage from fired rounds and any information reported by Emergency Communications. Broken windows are an excellent indicator for locating where violent acts have occurred or are occurring.
- c. There will be numerous distractions during entry. These may include, but are not limited to carnage, explosive devices, activated fire sprinklers, noise from fire alarms, school bells and people screaming. Victims might be confused and frightened. Therefore victims may become physically aggressive, cling to rescuers, and may not respond to police directions while hiding. If the incident is at a school, teachers may lock the classroom door and have students sit on the floor until they receive police or school official instructions.
- d. In evaluating the scene the following information should be obtained as soon as practical and disseminated to Emergency Communications and other responders:
  - i. Who is the assailant? What does the assailant look like?
  - ii. Where is the assailant? How many assailants are known?
  - iii. What weapon(s) does the assailant possess?



- iv. What is known about the assailant's tactical abilities or specialized knowledge?
- v. What is the assailant's agenda or motive?
- vi. Location of any known victims?
- vii. Any other known threats to responders (explosives, traps, etc.)?

e. The first officer on scene will need to consider the following:

i. Rescue/Contact Team:

First responder intervention will be based on opportunity. Rescue teams will be in the form of officers with an identified element leader. Team movement will be in a controlled and disciplined tactical action under the control and direction of the element leader.

The first priority is to locate the assailant(s) and STOP the aggressive deadly behavior. A single first responder intervention can stop the aggressive deadly behavior. If feasible and based on the officer's discretion this method of response is permissible and possibly necessary.

ii. First responders must:

- Form a Contact Team
- Notify Communications of the Contact Team number (Contact Team 1, 2, etc.)
- Communicate a quick overview of the incident while deploying
- Communicate team movement
- Proceed to contact the active aggressor

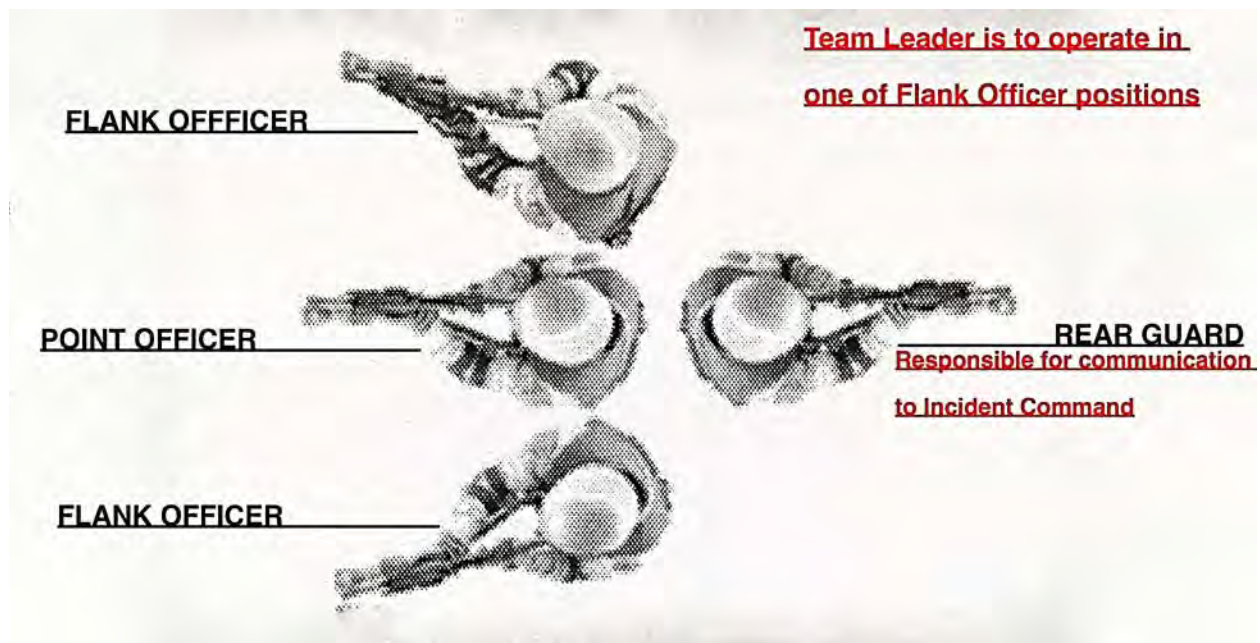
After the initial Contact Team has been deployed, the next officer on scene must assume the role of Incident Commander to facilitate the information gathering and dissemination process.

f. Rescue/Contact Considerations

Ideally, the Contact Team should consist of four officers. Although four officers are considered an adequate number to form a Contact Team, exigent circumstances may make it necessary to proceed with fewer than the desired amount (i.e. single, two or three officers, SRO, etc.). Each circumstance is situation driven and requires the first officer(s) on scene to rely upon prior training and good judgment when forming a Contact Team with less than four officers. Responding personnel must keep in mind that their primary role is to protect innocent persons at risk. The following is a brief description of position responsibilities based on a four-officer team. These team members should have overlapping fields of coverage in all directions.

- i. **Team Leader (TL)** - delegates' team member responsibilities, formulates and directs the plan of team movements. Maintains a **flank position** during team movements.
- ii. **Rear Guard (RG)**- Maintains a rear guard position during team movements. Maintains communication with the incident commander and other units during deployment.
- iii. **Point Officer (PO)** –preferably deploys a shotgun or a Police Rifle (if qualified). Takes **centerpoint position** during search and provides cover forward of the team.
- iv. **Flanking Officer (FO)** - Provides cover to a **flank position** (left or right side) during team movements.

Fig – 1



The primary mission of the Contact Team is to stop the assailant's deadly behavior and prevent escape. Communication is maintained with the Incident Commander and other officers to keep them informed of the Contact Team's progress. The secondary mission is to direct victims out of the crisis site through secured areas to the staging location. The goal is to save lives by containing the assailant and allowing the safe and orderly evacuation of victims.

As first responding officers arrive and enter into the area where the active aggressor is believed to be, officers should form into Contact Teams. These Contact Teams will move in a **T-Formation**. The T-Formation is fluid and can be changed to adapt to the crisis-site environment. This allows for 540-degree coverage to be maintained while moving.

Travel is conducted in a fluid movement - aggressive, controlled and precise. Each officer must remain flexible as individual responsibilities can vary in an ever-changing and unpredictable environment. In addition, communication within the team and with the Incident Command Post is critical. Never assume everyone else sees what you see. When you see a threat, **communicate** the threat and verify all team members are aware of it.

The team leader will be responsible for ensuring other team members (preferably rear guard) is broadcasting the information to the Incident Command Post. This will prevent incidents of friendly fire, and assist the Incident Commander in coordinating the search for the suspect and rescue of victims.

## **7. Use of Deadly Force**

When a suspect's actions present an immediate defense of life situation to an officer or other persons, it may be appropriate to use lethal force. Officers shall not fire under conditions that would subject bystanders or hostages to death or possible injury, except to preserve life or prevent serious bodily injury. Departmental policy regarding use of force shall apply.

## **8. Cover Fire**

Cover fire is defined as "controlled and deliberate fire, directed at a life-endangering threat, where an officer reasonably believes the threat to be located." It can be utilized when exposed to an immediate life endangering threat in order to protect others and stop the threat. The decision to utilize cover fire should be consistent with the threat presented and should be considered deadly force. A supporting contact team can utilize controlled cover fire to distract the assailant from shooting officers moving to gain a tactical advantage or conduct an officer/victim rescue operation. Example: Bounding and Over-watch tactics.

**Prior to using cover fire, the following should be considered:**

- a. All concerned personnel must be alerted that cover fire will be employed prior to its use;

- b. A safe background
- c. Cover fire should not be used when it places innocent persons at a greater risk than the actions of the assailant.

#### 9. Explosive Devices or Booby Traps

- a. Incidents may occur that involve unexploded improvised explosive devices (bombs). If live bombs are encountered, the contact team must visually inspect the devices for potential detonation mechanisms (timing device, trip wires, lit fuse, etc.). **Do not move or touch the device.** Officers may need to consider an alternate route based on the condition of the device, (i.e., timer activated or a burning fuse). The officer who sees the bomb needs to verbalize its location and move past it, if possible. Do not assume that other team members have seen the device. Mark the area and verbally report the location of the bomb to the Incident Command Post. If possible, an officer should be posted to control the area surrounding the bomb as soon as possible. Always be aware of potential booby traps even on a rapid deployment. Terrorists are routinely trained on how to make and place booby traps using hand grenades to avoid capture and facilitate their escape.
- b. What to do when a Contact or Rescue Team locates a possible explosive device:
  - i. Visually inspect the device.
  - ii. Consider alternate route based on condition of device, i.e., timer activated or burning fuse. Move quickly away from device.
  - iii. Do not move or touch the device.
  - iv. Verbalize location of the device to team.
  - v. Report location to ICP.
  - vi. Limit use of radios, cell phones or MDT's.
  - vii. Move past device quickly and continue search.
  - viii. Mark location of device and post an officer to warn others.
  - ix. Be aware of possible booby traps

#### 10. RESCUE TEAMS

- a. The priorities for a Rescue Team are to locate, recover, and facilitate the evacuation process of victims to safe areas or to medical personnel for treatment. If there is a non-ambulatory victim who needs medical attention, a rescue team is required to extricate the individual. Victims who are able to walk should be directed to a triage or safe area. The Rescue Team members will proceed in a T-Formation, providing 540-degree coverage during ingress and egress movement. Rescue Teams should broadcast the location of the suspect if known. If a

Rescue Team encounters the suspect, it should convert to a Contact Team and stop the suspect's deadly behavior.

b. Rescue Team Mission

Depending upon the situation, a Rescue Team can follow behind the Contact Team. During that movement, the Rescue Team may encounter multiple victims within the crisis site who are in close proximity. If so, the Rescue Team can establish fields of cover and provide a "warm zone" for the victims. This warm zone may be used to establish triage and/or a subsequent rallying point for additional Rescue Teams. If the victims are scattered, individual rescues may be necessary. After the Rescue Team has reached the victim, the Team Leader will coordinate efforts amongst the team to maintain security while the additional officers will transport the victim out to safety.

- c. The victim will be carried out as safely and expeditiously as possible. After evacuating the location, the victim is taken to the medical triage staging area for treatment. **Remember** to remain alert during the recovery for the possibility of contacting an armed assailant.

11. Aggressive Deadly Behavior

- a. When an assailant's location is known or detectable and the aggressive deadly behavior is ongoing, the Contact Officer and/or Team must move with determination and aggressiveness to stop the assailant's behavior. Officers must be mentally prepared to engage the assailant with innocent persons in close proximity. When contact with the assailant is imminent, officers should exploit available cover when appropriate. Officers should use tactics in an attempt to locate the assailant prior to making entry into a room. Officer safety is increased when the assailant can be engaged from outside of their current room. If entry into a room is necessary to contact the assailant, movement should be fluid and aggressive.
- b. If contact is made, officers will take appropriate action to take the assailant into custody or stop the deadly threat posed by the suspect. After an assailant has been taken into custody, the Incident Commander will ensure that the crisis site is thoroughly searched for additional assailants and victims before the area is considered "CLEAR."

12. Evacuation of Victims

- a. During this process victims may be attempting to leave the area. It is important that officers understand that it is possible for the suspect/s to

disguise themselves as a victim in an effort to escape or carry out further acts of violence. Due caution should be exercised by officers in this situation.

- b. Once the active aggressor has been contained, and there is a sufficient amount of officers for the contact teams, officers may begin the evacuation of ambulatory victims. The easiest method to achieve this will be to set up an Evacuation Chain.
- c. The Evacuation Chain preferably can be established by police officers. If necessary, members of the site location staff or onsite security, who have special knowledge of the facility, could be utilized.
- d. The members of the Evacuation Chain should be giving the victims clear and simple verbal instructions:
  - i. **Hands on top of their head**. All victims are to be instructed to Place their hands on top of their head the entire time.
  - ii. **No bags, purses or personal articles (to include cellphones) of any kind are allowed to be taken with them** from the area as they evacuate. They will be allowed to come back and retrieve at a later time.
  - iii. **Direction they are to travel** to the next contact of the Evacuation Chain.
- e. The evacuation chain should lead victims out of the Hot Zone to a safe containment area inside the perimeter that is still away from any other staging areas or command post.
- f. Before entering into the safe containment area for victims, police officers should have the victim's line up and they must be frisked to ensure there are no persons are containing any weapons and/or devices.

### 13. Containment

Dedicated security elements should always be a component of intervention teams. Site containment will be left to the discretion of the first officer on the scene that assumes incident responsibility and initiates the situation assessment. Containment of an active deadly aggressor incident may take the form of officers serving in an "observe and report" capacity.

**14. Active Deadly Aggressor Site Security:**

No location associated with an active deadly aggressor will be considered secure until the SWAT Commander declares it is so. Officers assigned to security functions will maintain positions until properly relieved.

**15. Special Weapons and Tactics (SWAT):**

When SWAT units are prepared to deploy, the initial responding officers may be relieved or redeployed by SWAT. When tactical team personnel arrive on scene, they are generally better equipped and trained to resolve tactical situations; however, continued assistance by initial responders is critical. Under the direction of SWAT, officers may aid with containment responsibilities and assist with Rescue Teams. Contact Teams are to advise SWAT of the last known location of the assailant, report location of explosives and provide any pertinent information (assailant description, weaponry, etc.).

**16. Post-Intervention, should consider:**

- a. Victim/Witness(es)-once any medical treatment has been provided, they should be screened for security issues, secluded for their privacy and for investigative follow-up. Victim-Witness services should be requested to the scene to assist them in contacting family and other needs.
- b. Site Security-the need to preserve the scene for evidence processing, unresolved threats (devices, biohazards, etc.) and the determination of perimeter security and access.
- c. Personnel-both involved in the event resolution and on perimeters. Consider protocols for separating officers who are involved in critical incidents and departmental resources. For officers on perimeters and responding investigative elements, consider needs such as relief, hydration/nutrition, shift changes, protection from elements, etc.
- d. Suspect(s)-consider issues such as their means of transportation, residences, and possibility of hazards with each (explosives, traps, etc.). Consider their families and friends, protocols for notifications and follow up investigations.

**14.50.050 DEVELOPMENT OF INTERVENTION TACTICS and TRAINING:**

- A. The MNPd will continuously review, evaluate and develop tactics and training to deal with the active deadly aggressor incidents and will provide appropriate training to personnel of all ranks. At least annually, the Director of the Training

Division shall cause a review of curriculum, lesson plans, and department policy and report any recommendations through the chain of command.

- B. All sworn personnel will attend active deadly aggressor training. Additional training may be developed for appropriate MNPd civilian personnel, cooperative responding agencies, satellite law enforcement agencies, and others as may be appropriate. Active deadly aggressor training will be conducted in three phases:
- Phase 1: Knowledge/Conceptual-a review of active deadly aggression incidents, general response protocols for all sworn and appropriate civilian classifications. This should include cooperative responders from Nashville Fire Department and EMS
  - Phase 2: Skill Development- Skills, knowledge and proficiency based training for all sworn personnel (including appropriate satellite agencies and cooperative responders) in order to implement departmentally proscribed responses.
  - Phase 3: Mandatory Refresher Training



## **Title 15: Investigations**

### **15.10 “Call-Out” Guidelines for Investigative and Support Elements**

The purpose of this order is to establish call-out criteria and procedures for investigative elements and certain support elements when there are no on-duty personnel available.

#### **15.10.010 Policy**

- A. It is the policy of the Metropolitan Nashville Police Department that the public will be provided the best police services possible. Every effort will be made to adequately and promptly respond to calls for service and calls for assistance from on-duty personnel.
- B. Therefore, this policy is provided to facilitate the **call-out of additional and/or specialized personnel to assist with certain incidents.**
- C. “On-call” personnel are those individuals that are assigned to respond to incidents or calls for assistance outside of normal working hours for the component to which they are assigned.

#### **15.10.020 Elements Involved**

The call-out procedures described herein shall apply to the following organizational elements:

- A. Homicide Unit
- B. Sex Crimes Unit
- C. Victim Intervention Section
- D. Fraud Unit
- E. Fugitive Unit
- F. Auto Theft Unit
- G. Youth Services Division
- H. Technical Investigations Section
- I. Domestic Violence Division
- J. Crash Investigations Unit
- K. Hit and Run Unit
- L. Hazardous Devices Unit
- M. Aviation Section
- N. Canine Section
- O. Specialized Investigations Division
- P. Office of Professional Accountability (OPA)
- Q. Special Weapons and Tactics Team (SWAT)
- R. Police Negotiators Team
- S. Emergency Contingency Section

- T. Public Information Officer
- U. Police Advocacy Support Services (PASS)
- V. Chaplain
- W. Safety Coordinator
- X. Substance Abuse Coordinator
- Y. Task Forces

**15.10.030 Authority to Initiate Call-Out**

- A. The authority and criteria described in this article apply to the indicated organizational elements.
- B. On any call-out situation, a Precinct Investigator, personnel with appropriate supervisory or command authority, or a member of the Field Supervisor Section has the authority to initiate or rescind a request for a call-out.

**15.10.040 Procedure to Initiate Call-Out**

- A. On any call-out initiated by a Precinct Investigator, the Precinct Investigator or someone from the Precinct Investigator’s office shall make the call to the appropriate on-call personnel.
- B. If the investigator is unable to make the call, Emergency Communications Center personnel will be requested to make the call.
- C. On call-outs not initiated by the Precinct Investigator, authorized personnel shall request the Emergency Communications Center to make the call pursuant to their policies and procedures.

**15.10.050 Criteria for Call-Out**

- A. Homicide Unit

An investigator shall be notified when no one from the Homicide Unit is on duty, pursuant to the following criteria:

1. All investigations involving the use of a firearm by a member of this department or used against a member of this department which produces injury or death of an officer or civilian, or could produce injury or death of an officer or civilian;
2. All in-custody deaths;
3. All homicides;

4. Child deaths;
5. A homicide suspect is arrested; or
6. Other situations as deemed necessary by Precinct Investigators or appropriate supervisory or command personnel.

**B. Sex Crimes Section**

An investigator shall be notified when no one from the Sex Crimes Section is on duty, pursuant to the following criteria:

1. A sexual assault of an adult occurred within **96** hours;
2. Home invasion robberies where a female was home alone;
3. The victim of a rape or attempted rape receives serious bodily injury;
4. Rape or attempted rape cases where the method of operation is similar to a serial offender; or
5. The suspect of a rape, attempted rape, or serious sexual assault is in custody.

**C. Victim Intervention Section**

A member of the Victim Intervention Section shall be notified when no one from the section is on duty, pursuant to the following criteria:

1. Non-domestic homicides when family members are present and the chaplain will not be providing notification;
2. A non-domestic violent crime other than simple assault occurs at a business;
3. Non-domestic victims of sexual crimes, ages 16 and older, who will receive a Medical Legal Exam, request a counselor, or at a detective's request; or
4. Victims/witnesses affected by a non-domestic violent crime who are in need of immediate support from a counselor, and the investigative unit or appropriate supervisory personnel request.
5. No call-out shall be made concerning actively suicidal subjects.

**D. Fraud Unit**

An investigator shall be notified when no one from the Fraud Unit is on duty, pursuant to the following criteria:

1. A suspect is in custody for a fraud-related felony and willing to talk with an investigator; or
2. A suspect is in custody for forgery or possession of a stolen business check.
3. Fraud Investigators will generally not be called out on counterfeiting, altered money, Medicaid fraud, food stamp fraud, worthless checks, or mailbox thefts.
4. The United States Secret Service shall be notified on all calls involving counterfeit U.S. currency.

**E. Fugitive Unit**

An investigator shall be notified when no one from the Fugitive Unit is on duty and a suspect is arrested or stopped on a National Crime Information Center (N.C.I.C.) "hit" for a serious felony and the arresting personnel have difficulty making positive identification or confirming the "hit".

**F. Auto Theft Unit**

An investigator shall be notified when no one from the Auto Theft Unit is on duty, pursuant to the following criteria:

1. A suspect is apprehended in a stolen vehicle and is willing to talk about the present offense or other offenses;
2. Cases where an organized "gang" or "ring" is involved or suspected of being involved in the theft of automobiles; or
3. A vehicle cannot be identified because of an altered VIN or improper documentation.
4. Call outs will generally not be initiated on the following:
  - (a). The suspect is unwilling to cooperate with the investigation;
  - (b). Reports and/or recoveries with no known suspect(s);
  - (c). Attempted auto thefts; or
  - (d). Cases where a suspect is apprehended in a stolen vehicle and has outstanding arrest warrant(s).

**G. Youth Services Division**

An investigator shall be notified when no one from the Youth Services Division is on duty, pursuant to the following criteria:

1. Missing juveniles 12 years of age or younger;
2. Any missing juvenile who is mentally incapacitated or whose absence is caused by foul play, suspicious circumstances, or is at risk or in danger for some other reason;
3. Death of a child 12 years of age or younger that is not traffic related;
4. Custodial kidnapping situations where a non-custodial parent or relative has taken a child without the permission of the custodial parent or guardian, and it appears that the child will not be returned without police intervention and/or criminal charges being initiated;
5. Serious neglect and physical abuse situations including a child being left unattended or suffering serious injury or impairment;
6. Aggravated assaults involving children less than 18 years old with serious bodily injury (exception: gang related assaults will be handled by SID); or
7. Child abductions.
8. A sexual assault where the victim is 17 years of age or younger occurred within **96** hours;
9. Home invasion robberies where a female 17 years of age or younger was home alone;
10. A rape or attempted rape where the victim is 17 years of age or younger and receives serious bodily injury;
11. Rape or attempted rape involving a victim 17 years of age or younger where the method of operation is similar to a serial offender;
12. The suspect of a rape, attempted rape, or serious sexual assault where the victim is 17 years of age or younger is in custody, or
10. Incidents involving children when:

- a. The victim is under 13 years of age;
- b. The child was victimized by a family member or someone residing in the home; or
- c. The victim is in the custody of the Department of Children’s Services or in any facility where D.C.S. has been given guardianship of the child.

#### H. Technical Investigations Section

An investigator shall be notified when no one from the Technical Investigations Section is on duty, pursuant to the following criteria:

- 1. Homicides and/or suicides;
- 2. Robberies;
- 3. Sexual Assaults;
- 4. Burglaries or attempted burglaries after the responding officer has determined that there is forensic evidence at the scene. CSI will not be called out when the suspect is believed to have had prior legal access unless the burglary/attempted burglary was committed during the commission of a felony involving death, serious bodily injury, or the threatened infliction of serious bodily injury;
- 5. Auto thefts or attempted auto thefts when the suspect is not believed to have had legal access, the suspect is not apprehended in the vehicle, or the vehicle theft was committed during the commission of a felony involving death, serious bodily injury, or the threatened infliction of serious bodily injury;
- 6. Aggravated assault when it results in serious bodily injury or is otherwise deemed necessary by the investigator and/or the investigative supervisor;
- 7. Domestic violence incidents involving critical or life-threatening injuries or complex crime scenes;
- 8. Traffic fatalities, critical crashes, or crashes involving Metropolitan Government vehicles; or
- 9. Other incidents as deemed necessary by the investigative unit or appropriate supervisory or command personnel.

**I. Domestic Violence Division**

An investigator shall be notified when no one from the Domestic Violence Division is on duty, pursuant to the following criteria:

1. A victim and/or suspect in a domestic violence incident requires treatment at a hospital due to serious injury;
2. Domestic related aggravated assaults where weapons are used, the suspect is not in custody, and there is a crime scene to be processed;
3. Domestic related kidnappings or hostage situations;
4. Domestic related stalking cases where victim is in imminent danger;
5. Domestic incidents involving police personnel (sworn and civilian) or criminal justice personnel;
6. Domestic related homicides; whereas the Domestic Violence Investigator will be secondary or
7. Spousal rapes (Requires joint investigation with Sex Crimes whereas the Domestic Violence Investigator will be secondary)

**J. Crash Investigation Unit**

An investigator shall be notified when no one from the Crash Investigation Unit is on duty, pursuant to the following criteria:

1. A fatal or critical hit and run injury crash occurs and the officer has received verification from hospital medical staff the injuries are life-threatening or fatal; or
2. A hit and run personal injury crash involving police personnel occurs.

**K. Hit and Run Unit**

An investigator shall be notified when no one from the Hit and Run Unit is on duty, pursuant to the following criteria:

1. A fatal or critical hit and run injury crash occurs and the officer received verification from hospital medical staff the injuries are life-threatening or fatal; or

2. A hit and run personal injury crash involving police personnel occurs.

**L. Hazardous Devices Unit**

An investigator shall be notified when no one from the Hazardous Devices Unit is on duty, pursuant to the following criteria:

1. A threat has been made to use explosives, or misuse of explosives that threatens public safety, or any criminal use of explosives;
2. Any compound, mixture or other device suspected to function by detonation, explosion or chemical reaction is found;
3. The finding of any suspicious item pursuant to a bomb threat call or any other item or package of a suspicious nature that would reasonably lead one to believe an explosive and/or incendiary device or hazardous substance may be present.

**M. Aviation Unit**

A pilot shall be notified when no one from the Aviation Unit is on duty, pursuant to the following criteria:

1. Incidents where there is reasonable belief that aviation support would be necessary or assist in the operation.
2. The Aviation Unit Supervisor shall make the determination as to the appropriate response based upon the facts as set out by the requesting authority, weather conditions and feasibility of aircraft control.
3. Call outs should generally be limited to felonies and missing person searches.

**N. Canine Unit**

A canine handler shall be notified when no one from the Canine Unit is on duty, pursuant to the following criteria:

1. Building searches for the purpose of locating and apprehending a felony suspect who has concealed himself for the purpose of avoiding arrest;
2. To follow (track) a felony suspect from his/her last known location to the point of concealment. Canine shall only assist with the



apprehension of a suspect who has committed one of the following felonies:

- a. Murder or voluntary manslaughter;
  - b. Vehicular homicide;
  - c. Aggravated or especially aggravated robbery;
  - d. Rape or aggravated rape;
  - e. Kidnapping, including aggravated or especially aggravated kidnapping;
  - f. Use of explosives to injure persons;
  - g. Burglary (excluding freight or passenger vehicles);
  - h. Auto theft;
  - i. Aggravated assault only if a person is hospitalized or a deadly weapon is used; or
  - j. Escape when the person was being held for at least one (1) of the aforementioned felonies.
3. To conduct an open area search for a felony suspect, as listed above, in an area where there is no specific point at which to initiate a tracking operation;
  4. An evidence search to locate lost and/or concealed articles of evidence at or near a crime scene. This shall include drug searches of vehicles stopped on traffic where there is probable cause to believe that the occupants have concealed large quantities of drugs in the vehicle which are not easily detectable by other means;
  5. An explosives search to locate explosive devices which are not easily detectable by other means; or
  6. Other incidents as deemed necessary by appropriate supervisory or command personnel.

O. Specialized Investigations Division (SID)

An investigator shall be notified when no one from the Specialized Investigations Division is on duty, pursuant to the following criteria:

1. Bombings or bomb threats with a possible terrorism connection;
2. Possible terrorist acts including suspicious information with a possible connection to terrorism (e.g. surveillance activity, suspicious videotaping, stops or arrests of persons in which facts and circumstances indicate possible terrorist ties);

3. Any crime that could possibly be linked to hate or biased based crimes;
4. Any violent crime that could possibly be linked to gang-related activities (gang graffiti when suspects are in custody);
5. All incidents involving caches of or thefts of explosives or weapons;
6. All incidents involving police-involved deaths;
7. Any crime involving a public official or celebrity;
8. All acts of extortion against any person or organization;
9. Investigations involving organized gambling/prostitution;
10. Discovery of a Meth lab; or
11. Investigations involving narcotics activity. In most situations, the Precinct Crime Suppression Units can provide the necessary assistance to answer most drug related questions. However, the Narcotics Section may be called out whenever additional assistance is needed. Situations where the Narcotics Section may be able to provide additional information and/or assistance include:
  - a. Operational, tactical, and procedural assistance when dealing with drug buys and reverses involving large quantities of drugs;
  - b. Assisting a Crime Suppression Unit with the debriefing of suspect(s) when a large amount of drugs are seized, or it is determined the suspect(s) may be fairly high in a particular drug organization; or
  - c. Assistance is needed with unusual drug identification.

**P. Office of Professional Accountability (OPA)**

An investigator shall be notified when no one from the Office of Professional Accountability is on duty, pursuant to the following criteria:

1. All police personnel involved shootings;
2. All police personnel involved domestic violence situations;
3. In-custody deaths;
4. Arrests of Metropolitan Nashville Police Department (MNPd) personnel; or

5. Any other situations as deemed necessary by appropriate supervisory or command personnel;

**NOTE:** The notifying authority shall obtain the appropriate numbers from the Emergency Communications Center and personally make the notification for security and confidentiality reasons.

**Q. Special Weapons and Tactics Team (SWAT)**

1. With the approval of the on-scene supervisory authority, SWAT may be notified for **emergency** high risk and/or unusual situations including but not limited to the following situations:
  - a. Hostage situations;
  - b. Barricaded persons;
  - c. Search warrants;
  - d. Natural disasters;
  - e. Arrests involving suspects who have the propensity for violence or where weapons may be involved;
  - f. Dealing with non-compliant subjects who are a threat to themselves or the general public; or
  - g. Other situations that appropriate supervisory or command personnel have determined would be better addressed by SWAT members or their specialized equipment.
2. With the approval of the Special Operations Division Commander or his/her designee, SWAT may be notified for **pre-planned**, high-risk and/or unusual situations including. but not limited to. the following situations:
  - a. High-risk arrest warrants;
  - b. Search Warrants;
  - c. Natural disasters;
  - d. Arrests involving suspects who have the propensity for violence or where weapons may be involved;
  - e. Dealing with non-compliant subjects who are a threat to themselves or the general public; or
  - f. Other situations that appropriate supervisory or command personnel have determined would be better addressed by SWAT members or their specialized equipment.

**NOTE:** The decision to respond to pre-planned situations should generally be based on a Risk Analysis/Threat Assessment.

**R. Police Negotiators Team**

With the approval of the on-scene supervisory authority, the Police Negotiators Team may be notified for the following situations:

1. Hostage situations;
2. Barricaded persons;
3. Suicidal persons; or
4. Anticipated barricaded or hostage situations such as during arrests involving suspects who have the propensity for violence.

**S. Emergency Contingency Section**

Members of the Emergency Contingency Section shall be notified for the following circumstances:

1. Actual or suspected terrorists acts;
2. All incidents where chemical, biological, and radiological devices have been identified, threatened, or disseminated;
3. Advisory support for catastrophic incidents requiring Incident/Unified Command Operations;
4. Mobile Incident Command Post support during pre-planned special events (requires prior approval from the Commander, Special Operations Division);
5. Civil disturbance support and mitigation;
6. Natural disasters;
7. Waterborne operations;
8. Urban Search and Rescue (USAR) operations or potential operations. (Building collapse or severe damage to a facility from natural or manmade catastrophe or large scale searches for persons where grid patterns or tracking are required);
9. When any contingency plan is in effect; or
10. Any other incident where a commander or appropriate supervisory personnel requests assistance.

**T. Public Information Officer**

The Public Information Officer shall be notified and respond as appropriate to the following situations:

1. Multiple homicides;
2. Officer-involved shootings;
3. Officer severely injured;
4. Business robbery/homicides;
5. Serial rapist arrests;
6. Bank robberies with shots fired or injures;
7. High profile arrests (e.g., entertainers, politicians, athletes, etc.);
8. When any contingency plan is in effect; or
9. Any other situation as deemed necessary by appropriate supervisory or command personnel.

**U. Police Advocacy Support Services (PASS)**

A member of the Police Advocacy Support Services Section shall be notified when no one from the section is on duty, pursuant to the following criteria:

1. A sworn or civilian employee that has been involved in a traumatic event, and appropriate supervisory personnel request assistance;
2. Serious in-line of duty injuries where police personnel are taken to the hospital;
3. Line of duty deaths;
4. Domestic incidents involving police personnel (sworn and/or civilian) where injury requires treatment at a hospital or a supervisor requests assistance;
5. A fatal or critical vehicle crash involving on-duty personnel;

6. Police personnel involved shootings where appropriate supervisory personnel requests assistance; or
7. Any other incident where a commander or appropriate supervisory personnel requests assistance.

V. Chaplain

1. An on-call chaplain shall be notified when no one from the Chaplain Section is on duty, pursuant to the following criteria:
  - a. Incidents involving seriously injured department employees;
  - b. Deaths of department employees;
  - c. Police involved shootings;
  - d. Traffic fatalities (as needed or when requested);
  - e. Drownings (as needed or when requested);
  - f. Any construction site incident involving deaths;
  - g. Natural deaths (as needed when there are no next of kin on the scene);
  - h. When a person has been taken to an area hospital where the person dies and the hospital social worker requests assistance;
  - i. During natural disasters and mass casualty incidents;
  - j. Requests from outside agencies or teletypes; or
  - k. Any other incident where a commander or appropriate supervisory personnel requests assistance.

2. MNPd Volunteer Chaplaincy Program

The Metropolitan Nashville Police Department has partnered with Nashville area ministers to establish a Volunteer Chaplaincy Program. The MNPd Volunteer Chaplaincy Program ministers, along with MNPd Chaplains, minister to the needs of citizens and police officers. The Volunteer Chaplains, representing different faiths, are donating their time to assist MNPd Chaplains.

Guidelines for the call-out of the MNPd Volunteer Chaplaincy Program are the same as those listed in V.1. above. Volunteer Chaplains may provide their own transportation to the location of a call for service. MNPd personnel may be dispatched to assist a member of the Volunteer Chaplaincy Program and transport him/her to the location of a call for service. Dispatchers will be assigning such transport calls to MNPd personnel assigned to the Precinct in which the volunteer is located. If the volunteer is responding to a call for service in a Precinct other than that to which the transporting officer is assigned and the call is going to take in excess of one hour, a supervisor in the Precinct in which the

call for service is located may authorize the original transporting officer to check back into service and replace him/her with an officer assigned to the Precinct in which the call for service is located after consulting with the Volunteer Chaplain..

Questions concerning the Chaplain Program should be directed to the Behavior Health Service Division Manager or the Volunteer Coordinator of the Chaplain’s Program.

#### W. Safety Coordinator

The Safety Coordinator shall be immediately notified, regardless of duty status, pursuant to the following criteria:

1. An employee is involved in a job-related action that results in an injury and is transported to a medical facility by medical personnel.
2. An employee is admitted to a hospital in relation to an injury-on-duty.
3. An employee has a significant exposure to a contagious disease or hazardous material.
4. A safety hazard is discovered that could bring life-threatening harm to an employee and requires immediate action by the Safety Coordinator.
5. At the discretion of the ranking on-scene supervisory personnel whenever there is a serious or life threatening injury to an officer.

For other circumstances, including non-emergent injuries, minor injuries where officers do not receive immediate medical transport or transport themselves at a later time for treatment, the Safety Coordinator shall not be immediately called out. In these circumstances, the appropriate paperwork should be completed (i.e. Form 101, Form 201) and forwarded to the Safety office via normal procedures. Email notifications to the Safety Coordinator will be sufficient for all other non-emergency circumstances that do not meet the above listed criteria for immediate notification or call-out.

#### X. Substance Abuse Coordinator

The Substance Abuse Coordinator shall be notified of the following incidents:

1. Vehicle crashes involving employees which results in a fatality or bodily injury;
2. An employee uses force, other than the use of firearms, that is reasonably calculated to produce death or serious bodily injury, and the supervisor has documented the reason a test is requested;
3. Any time an employee discharges his/her weapon with the exception of routine firearms training, legal recreational purposes, or destroying a seriously injured, suffering, or dangerous animal;
4. A trained supervisor observes and documents appearance, behavior, speech, and/or body odors of an employee which are characteristic of the use of alcohol or controlled substances; or
5. Return to duty or follow-up testing when an employee has previously tested positive.

Y. Task Forces

Task Force personnel shall only be notified with approval of the on-call Special Investigations Division supervisor.

**15.10.060 Response of “On-Call” Personnel and Supervisory Discretion**

- A. The preceding guidelines only require notification. It is not **always** mandatory for the on-call person to respond to the scene. Often, relaying advice and providing consultation may be accomplished by telephone or radio. However, **personnel will be held accountable for their actions when giving advice/instructions as well as receiving and acting upon them.**
- B. The decision governing response to an "on-call" notification is a discretionary function of the commanders of the bureaus, divisions, sections, units, and squads involved. For example, some elements respond to all of their notifications in person; however, others may "screen" calls through a supervisor before responding.

**15.10.070 Responsibilities of Elements Involved in “On-Call” Program**

- A. Notification to the Emergency Communications Center
  1. By the 26th (twenty sixth) day of each month, the on-call list for the following month shall be forwarded to the office of the Bureau Commander.



2. By the 28th (twenty eighth) day of each month, the lists shall be forwarded directly to the Emergency Communications Center by the respective Bureau Commanders' offices and copied to the Field Supervisor Section.

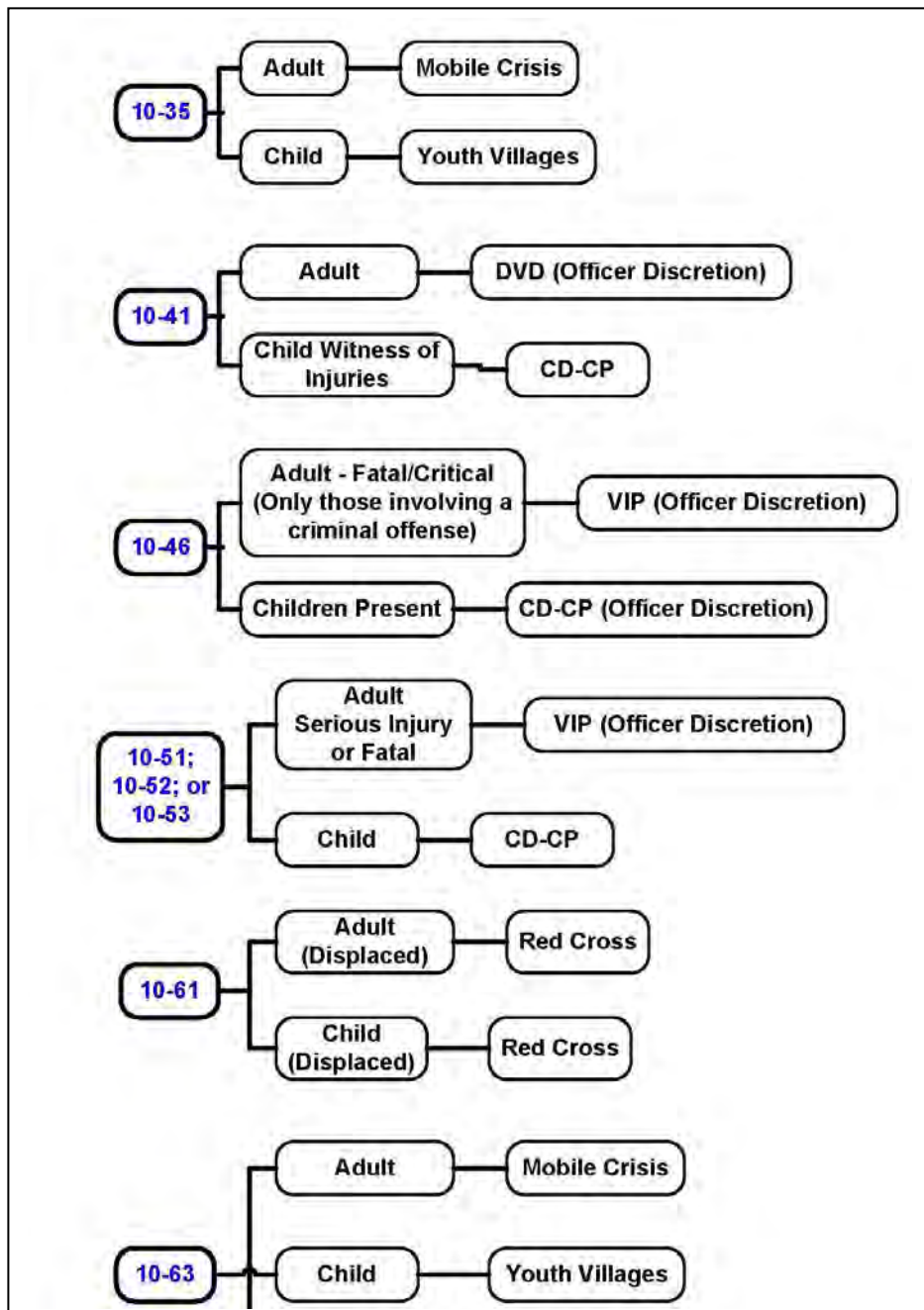
**B. Content and Format of Notifications**

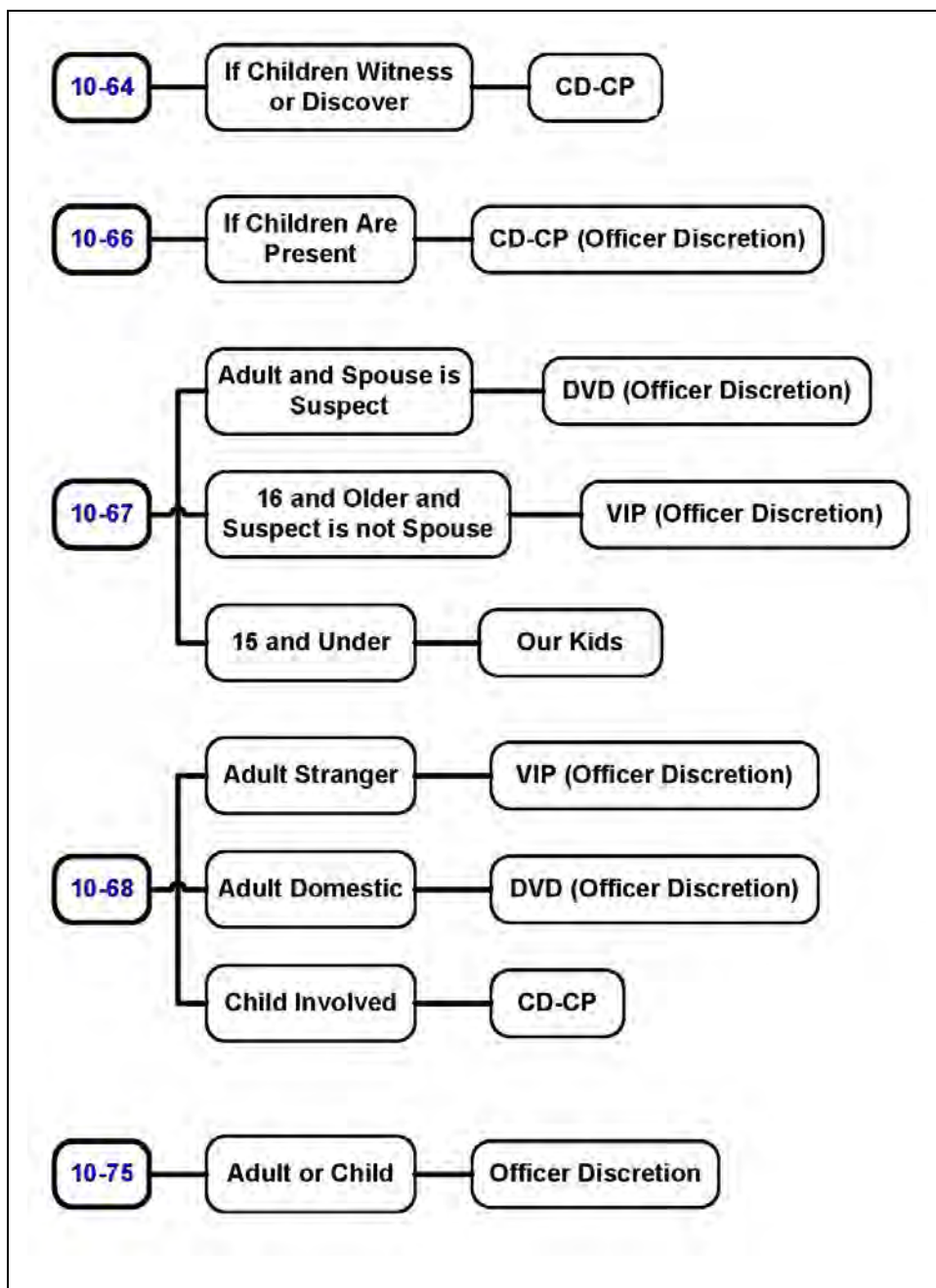
1. The notifications shall be on MNPB Form 030.
2. The form shall be completed in its entirety.

- C.** The Emergency Communications Center will maintain lists of authorized on-call personnel pursuant to their policies and procedures.

### **15.10.080 Contact Tree**

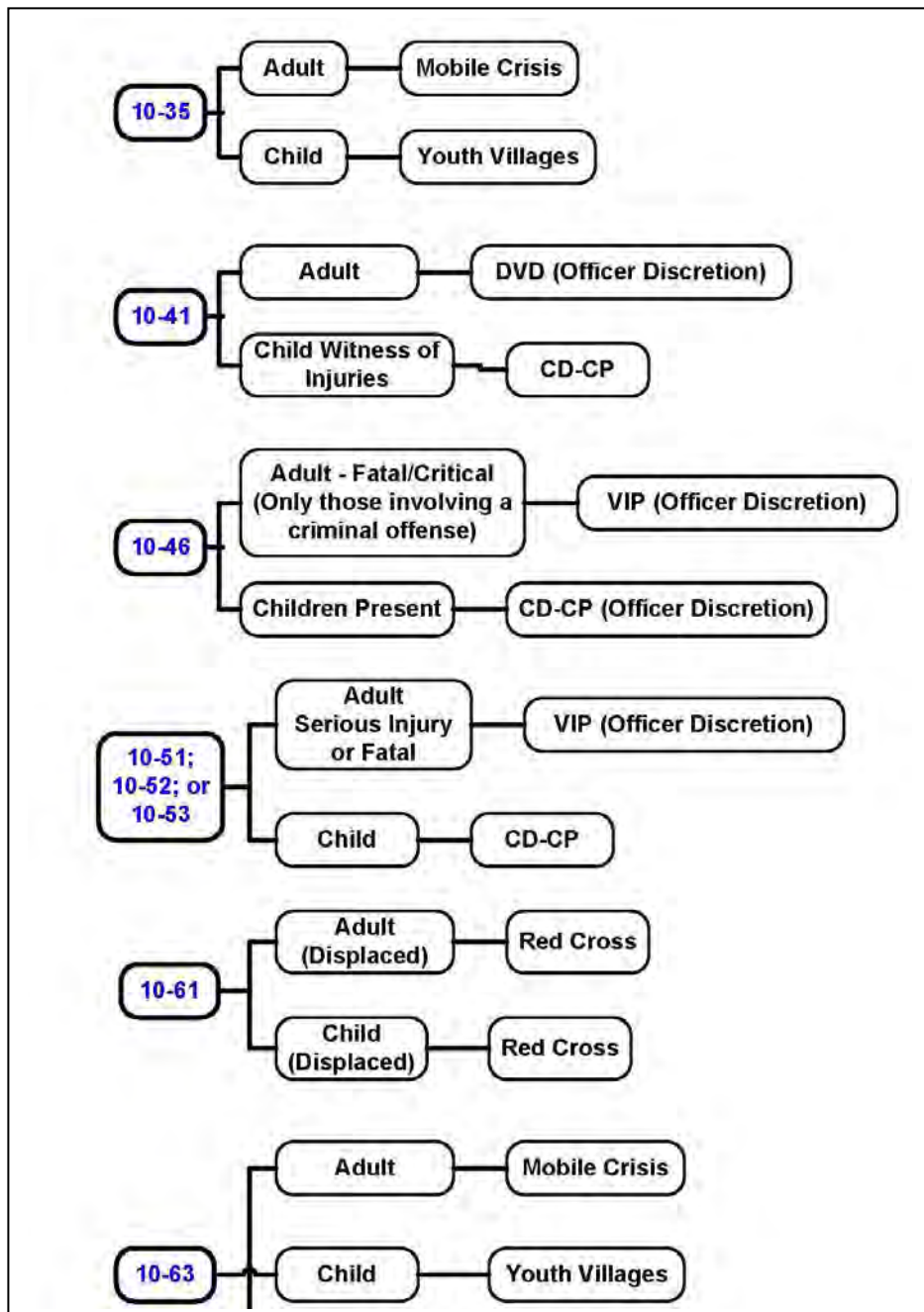
The contact tree is designed to assist in acquiring counseling or other similar services for victims and/or witnesses of various crimes or critical incidents. The services available for selected calls are displayed to the right of the incident 10-code.

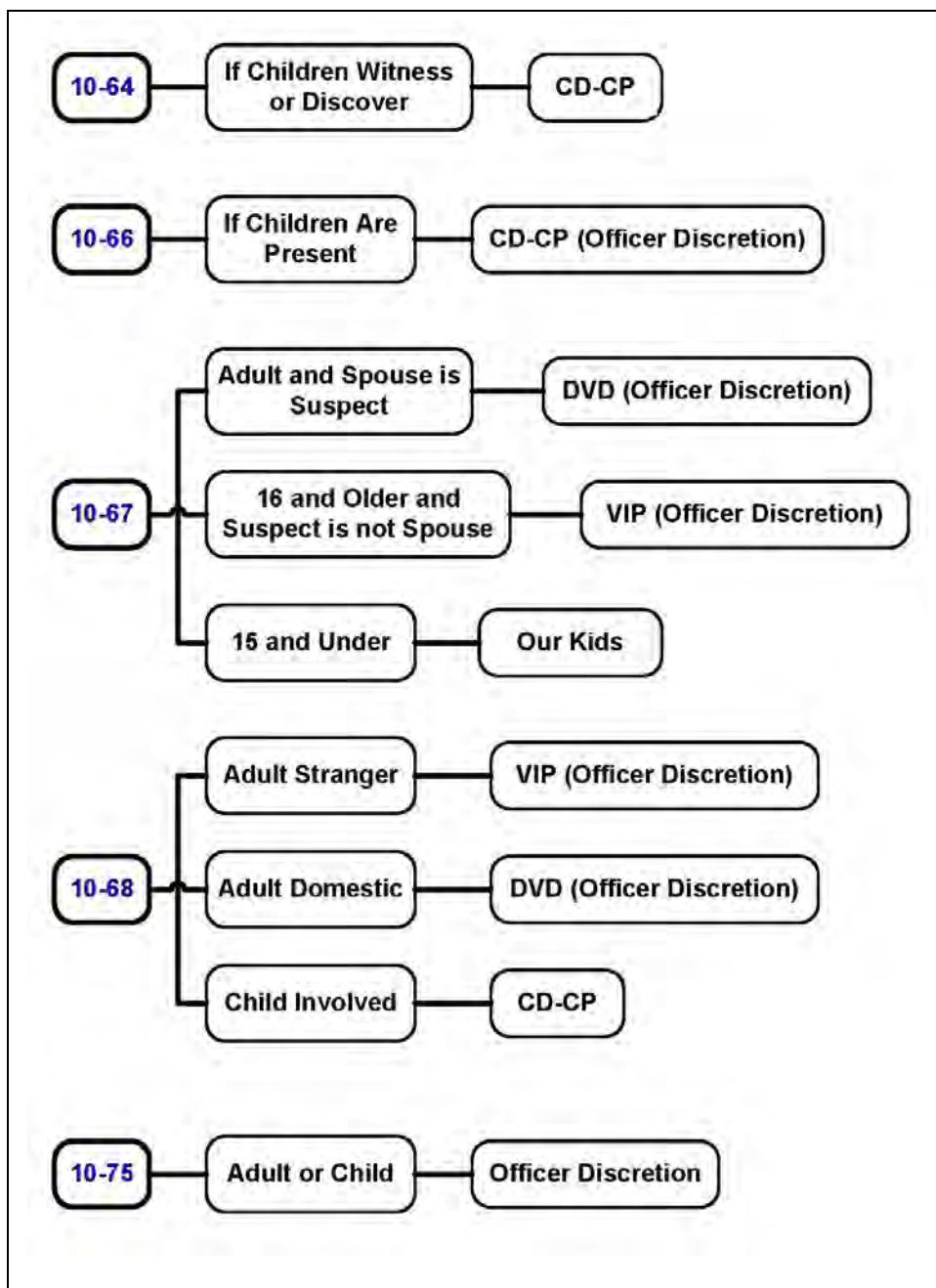




### **15.10.080 Contact Tree**

The contact tree is designed to assist in acquiring counseling or other similar services for victims and/or witnesses of various crimes or critical incidents. The services available for selected calls are displayed to the right of the incident 10-code.





## 15.20 Crime Scene Protection and Investigation

### 15.20.010 General Provisions

#### A. Community Services Bureau Responsibilities

The first officer to arrive at the scene of an incident shall ascertain the condition of any victims present and take appropriate action, as well as apprehend any suspects still present. The officer will then secure the scene and not allow any unauthorized persons to enter the area until the arrival of investigative personnel that are actively involved in the investigation (Refer to 15.20.010(D)(13). After securing the crime scene, the Incident Commander may cause an area near the crime scene to be taped off and used as a holding area for all personnel not involved in the investigation.

The first arriving officer dispatched to the crime scene will generally be the Incident Commander unless otherwise designated by the responding Community Services supervisor. The Incident Commander shall assume responsibility for the scene, and shall remain responsible for scene security until relieved. **A Community Services Bureau supervisor shall respond to all major crime scenes.** Major crime scenes are those crimes requiring a supervisory response which shall include, but are not limited to, all calls for service involving serious bodily injury or death or the potential for serious bodily injury or death.

#### B. Incident Commander Responsibilities

Responsibilities of the Incident Commander include, but are not limited to:

1. Secure and establish outer and inner perimeters with crime scene tape.

An outer perimeter:

- a. Provides for the security of additional evidence;
- b. Prevents further contamination of the scene;
- c. Serves as a waiting area for additional personnel; and
- d. May be used as an area to detain witnesses.

Since no two scenes are identical, sound judgment and discretion should be exercised in establishing the perimeters to ensure the integrity of the crime scene and provide a suitable working area to carry out the investigation. **The perimeters should encompass as**

**much area as possible because it is much easier to reduce the crime scene than to expand it.**

2. Close the crime scene to all witnesses and police personnel who are not a part of the investigative team.
3. Establish a fixed post at the scene entry and ensure it is always staffed. The Incident Commander shall establish a workable entry and exit for ambulance personnel and investigators to ensure evidence is preserved. Investigators shall not enter a crime scene or otherwise initiate any investigative efforts before checking in with the Incident Commander. The Incident Commander shall ensure that a record of all personnel entering the scene is maintained.

Investigators shall also check out with the Incident Commander when they terminate their work at the crime scene.

4. Assign personnel to locate witnesses and obtain all identity information. Witnesses should be encouraged not to leave the scene until investigative personnel interview them.
5. Reports should be thorough and contain at least the following:
  - a. Paths taken through the crime scene by emergency personnel;
  - b. The names of all emergency personnel, officers, investigators, witnesses and other persons entering and exiting the crime scene;
  - c. A complete identification of each witness; and
  - d. A list of anything touched, moved, or manipulated in any way.

**C. Community Services Bureau Supervisor Responsibilities**

1. Assume command and/or assist the Incident Commander;
2. Supply crime scene tape;
3. Confirm the proper investigative components and the Crime Scene Investigations Section (CSI) have been notified;
4. Assist the Incident Commander and investigative personnel with separating and identifying all witnesses;
5. Ensure all applicable police reports are completed; and
6. Collect all field reports before leaving the scene and forward to the primary case investigator.

**D. Investigative Components Responsibilities**

1. The on-duty investigator(s) will, if necessary, cause the appropriate investigative unit to be notified. If an investigative unit is not

needed, on-duty investigator(s) will continue the investigation, taking all necessary steps to obtain as much information as possible.

2. When an investigative component and/or the Crime Scene Investigations Section Major Crime Scene Unit is activated, they will upon arrival check in with the Incident Commander, and consult with the on-duty investigator(s) to determine the best course of action and what other agencies need to be notified (e.g. Medical Examiner's Office and/or District Attorney's Office).
3. The case investigator(s) of the concerned unit and one representative of the Crime Scene Investigations Section will conduct a walk-through of the scene to develop a course of action and carry out the investigation.
4. Crime Scene Investigations Section personnel will provide assistance in photography, latent print development, sensitive evidence handling and processing, or other processing afforded through crime detection methods. The primary case investigator has overall case responsibility, and it is the responsibility of CSI members to conduct a thorough crime scene investigation utilizing all resources and training available. If a CSI supervisor is on the scene, it is his/her responsibility to make sure a thorough crime scene investigation is completed. The Crime Scene Investigator (CSI) or supervisor will discuss all phases of his/her investigative tasks with the case investigator.
5. As new information is developed, the case investigator will pass this on to the CSI/supervisor. This information may require additional crime scene tasks that CSI(s) will perform. In the event that there is a question over the applicability or feasibility of the requested process, the ranking investigative supervisor will consult with the ranking Crime Scene Investigations Section supervisor on the scene. Where no consensus can be reached, the unit commander (or higher) of the investigative component shall make the final decision. At this time, one member of the investigative unit shall be assigned with the Technical Investigations Section personnel to make notes of the scene's condition as well as which officer performs which function.

**NOTE: No items of evidence will be removed until members of the investigative units have had the opportunity to observe such evidence in its original location and condition, unless it is necessary to preserve life or**



**property or to preserve the condition of the evidence itself.**

6. The overall function of the Crime Scene Investigations Section is to identify suspects and/or victims of crimes, and the collection, preservation, and processing of evidence using specialized techniques and equipment. The Crime Scene Investigations Section may be required to respond to and investigate the following situations:

- a. Homicides and/or suicides;
- b. Robberies;
- c. Sexual Assaults;
- d. Commercial Burglaries or attempted burglaries;
- e. Residential Burglaries **ONLY** when the scene is too complex or requires serology/DNA.

(1) If the initial reporting officers determine that Crime Scene Investigations Section's services are needed based on their investigation and the presence of forensic evidence, then Crime Scene Investigations Section personnel should be called. **Crime Scene Investigations Section personnel will not be called solely at the owner's request.**

(2) Where the suspect is believed to have had prior legal access to the victim's residence or property, Technical Investigations Section personnel will not be called unless the burglary or attempted burglary was committed during the commission of a major felony. For purposes of this directive, a major felony shall be defined as any crime involving death, serious bodily injury or the threatened infliction of serious bodily injury.

- f. CSI will respond to auto thefts or attempted auto thefts **ONLY** when the scene requires serology/DNA and if the following conditions are satisfied:

(1) The suspect is not believed to have had legal access to the vehicle.

(2) Suspects are **not** apprehended in the vehicle.

**NOTE:** None of the conditions above applies when the vehicle was stolen during the commission of a major felony.

- g. Aggravated Assault - When the assault results in serious personal injury or is otherwise deemed necessary by the investigator and/or investigative supervisor;

- h. Domestic Violence incidents involving critical or life threatening injuries or complex crime scenes
  - i. Traffic fatality crashes, serious personal injury crashes, or crashes involving Metropolitan Government vehicles; and/or
  - j. Other incidents as deemed necessary by the investigative unit or appropriate supervisory personnel.
- 7. The Crime Scene Investigations Section will not be notified to respond to any of the following offenses except as otherwise directed by Community Services supervisors or case investigators/supervisors.
  - a. Arson - Generally investigated by the Metropolitan Fire Department except where a possible homicide may be involved. However, Technical Investigations Section personnel will assist if requested;
  - b. General larceny /theft;
- 8. Evidence Procedures
  - a. Generally, in the investigation of any felony offense, Crime Scene Investigations Section personnel are responsible for the processing and handling of all criminal evidence involving the initial scene. Crime Scene Investigations Section personnel will not be notified to perform simple collections or transportation of any evidence that can be performed by any other employee of the department. However, Community Services personnel that have been properly trained and equipped for lifting latent prints may collect such evidence at burglaries, thefts, auto thefts, and other limited circumstances not involving major crime scenes.
  - b. The primary case investigator is responsible for submitting all lab requests. Such investigator has the responsibility of seeing that the evidence is physically submitted by the appropriate element within 30 days of determining that the evidence should be submitted for examination.
  - c. The primary investigator shall also ensure that all written reports of lab results received are appropriately included in the case file.

- d. Property of any type coming into the custody or control of department employees shall be processed prior to the officer ending his/her shift. Officers shall notify their immediate supervisor if they will be going over their shift.

**9. Crime Scene Command and Notification**

- a. The activities of members of the Crime Scene Investigations Section at a crime scene shall be supervised by the Crime Scene Investigations Section Field Supervisor. All other employees who are involved in the on-scene investigation shall communicate any information to the ranking on-scene investigation supervisor.
- b. A CSI shall respond immediately to all police-involved shootings and all homicide crime scenes.
- c. Generally, Crime Scene Investigations Section personnel shall not be notified to respond to any crime scene where another employee of the police department has not first been dispatched to conduct a preliminary investigation. Where the need for a CSI has been verified by on-scene personnel, they shall be requested as quickly as possible.
- d. Investigative supervisors or personnel having appropriate authority may have the Major Crime Scene Unit called out on all major crime scenes. If a determination is made to call out the Major Crime Scene Unit, the investigative supervisor making the request shall notify the commander of the Forensic Services Division or his/her designee for immediate activation. Presence of physical evidence and the likelihood of prosecution in the case should be considered before calling a member of the Crime Scene Investigations Section.

**10. Photography**

Crime Scene Investigations Section personnel provide general photographic services to the department according to the following guidelines:

- a. Employees requesting photography shall ensure that the photograph meets an investigative need;
- b. Photographs should be taken by personnel already assigned photographic equipment except when greater expertise or more sophisticated equipment is needed from the Crime Scene Investigations Section; and

- c. Crime Scene Investigations Section personnel should not be dispatched to photograph scenes or objects solely at the request of private individuals or organizations.
- 11. After Crime Scene Investigations Section personnel have completed all procedures at the scene, members of the investigative component and Crime Scene Investigations Section personnel should discuss what procedures have been performed. Other members of the investigative component may then enter the crime scene for general observation and viewing of the evidence. If, after this general viewing, investigative unit members have any further tasks they wish performed by Crime Scene Investigations Section personnel, they shall notify the on scene CSI supervisor. The CSI supervisor will then assign a CSI investigator to complete the task.
- 12. After investigative personnel have completed their on-scene investigation, all items of physical evidence will then be collected by members of the Crime Scene Investigations Section. Only Crime Scene Investigations Section personnel should collect physical evidence, unless it is necessary to preserve life or property or to preserve the condition of the evidence itself.
- 13. If a member of the investigative unit considers an item to have evidentiary value that has not been collected, this fact should be brought to the attention of Crime Scene Investigations Section personnel, who will then collect the item.
- 14. All items of investigative value such as date books, phone number listings, personal identification, etc. may remain with the investigator assigned the case when he/she deems it necessary for investigative purposes.

15. Crime Scene Access

Only persons actively involved in the investigation should enter the inner perimeter of the crime scene. It shall be the responsibility of the Incident Commander or appropriate supervisory personnel to ensure that people do not enter a crime scene unless necessary. Persons actively involved in the investigation may include:

- a. Crime Scene Investigations Section personnel that are assigned to investigate the call or are requested to respond and assist in the investigation.

- b. Investigative personnel who are members of the Investigative Team. This would include personnel assigned to the investigative unit involved in the investigation and their immediate supervisor. The ranking investigative supervisor will determine which members of the team will be admitted to the scene, and assign other members to duties outside the scene. It shall be the responsibility of appropriate investigative supervisor to ensure that unauthorized persons are removed from the crime scene.
- c. While the ranking investigative supervisor has the responsibility to remove all unauthorized persons from the crime scene, any member of the investigate team has the authority to remove unauthorized persons if the ranking supervisor is not immediately present.
- d. Medical Examiner's Office personnel will be admitted once the evidence between entry and the body has been collected or secured in a manner to allow entry without disturbing the evidence. The on-scene CSI supervisor shall advise the CID investigator/supervisor once this has been completed.
- e. Body removal personnel will be allowed to enter the scene only after the body is deemed ready to be moved by the ranking investigative supervisor and the Medical Examiner's Office Investigator on the scene.
- f. District Attorney's Office personnel will generally be admitted after the evidence has been secured. The ranking investigative supervisor on the scene shall make this determination.
- g. Investigators from the Office of Professional Accountability will generally be admitted after the evidence has been secured when the incident involves actual or suspected employee misconduct. The ranking investigative supervisor on the scene shall make this determination.
- h. The ranking investigative supervisor should consider the expertise or special knowledge required to complete the investigation when allowing individuals into the crime scene.
- i. All persons not involved in the investigation shall be directed to a designated area outside the crime scene.

- j. The Incident Commander in cooperation with the ranking on-scene investigative supervisor will make the determination as to where members of the media can set up.
- 16. Crime Scene Investigations Section personnel shall determine the level of personal protective equipment to be worn in scenes contaminated by blood and/or body fluids.
- 17. There will be **no** eating, drinking, or smoking within the inner perimeter. The Incident Commander or appropriate investigative supervisory personnel shall specifically designate an area in the outside perimeter for these activities if necessary.
- 18. In no case will any member of the department allow statements, interviews, or photo sessions to take place inside the crime scene perimeter without consulting with the on-scene ranking investigative supervisor.

#### **15.20.020 Evidence Handling and Crime Scene Procedures**

##### **A. Evidence Handling**

- 1. Any evidence which is contaminated by blood or other body fluids shall be labeled as "Biohazardous" label shall be utilized.
- 2. Any employee who handles, analyzes, collects, transports, stores, or catalogues such evidence **shall utilize appropriate PPE for the exposure.**

##### **B. Disposal of Biohazardous Evidence**

All biohazardous evidence which has been identified as being subject to destruction (due to adjudication, exhaustion of appeals, etc.) shall be disposed of as described in the section below, "Disposal of biohazardous Waste."

##### **C. Crime Scene Procedures**

The following rules apply to all crime or accident scenes in which any member may be exposed to an infectious disease due to body fluid contamination. Such contamination may be found at the scene, on victims, suspects, items of evidence, dead bodies, inanimate objects, or present in the atmosphere.

- 1. Crime scenes shall be secured by yellow crime scene tape. The yellow tape shall be used to cordon off a large area for investigative purposes (an "outer perimeter").

2. Upon the arrival of members assigned to the Identification and Crime Scene Investigation Division, **a decision will be made by I.D. personnel only as to whether the scene shall be designated a biohazardous crime scene.**
3. A "Biohazardous crime scene" designation shall not be rescinded by any member, **regardless of rank or assignment**, without express permission of the I.D. personnel at the crime scene.
4. **Red crime scene tape** shall be used to cordon off the inner perimeter and designate the biohazardous crime scene.
5. The CSI officer or supervisor shall determine the appropriate level of PPE, and provide the necessary PPE, to members having a legitimate investigative reason for entering the biohazardous crime scene.
6. No member, **regardless of rank or assignment** shall enter the biohazardous crime scene without the PPE identified by the CSI personnel.
7. No civilians shall enter the biohazardous crime scene without the PPE. Other entities of the Metropolitan Government have an exposure control plan similar to this. Employees of such entities shall abide by the plan developed by their employers.
8. Entry into the large crime scene (yellow tape) will be regulated by current report writing and crime scene security provisions.
9. All personnel who have exited the biohazardous crime scene shall place their contaminated PPE into a red "biohazardous waste" bag. Such bag shall then be disposed of as described in the below section, "Disposal of Biohazardous Waste."
10. All contaminated "sharps," (or items of evidence which may stab, puncture, or cut) shall be placed in puncture resistant "sharps containers." Should the contamination be in a liquid state at the time of collection, a special sharps container which will permit air drying is required.
11. Upon concluding the investigation of the biohazardous crime scene, an MNPD Form 448, "Notice of biohazardous crime scene Report" shall be posted conspicuously. This form is an explanation to citizens of possible hazards.

### **15.20.030 Providing Security to Civilian Crime Scene Technicians**

The Crime Scene Investigations on-duty supervisor, or the on-duty Crime Scene Investigations officer-in-charge, is given the authority and responsibility for determining when a sworn officer is to accompany a civilian crime scene investigator. In making the determination, the supervisor or officer-in-charge shall take into consideration those circumstances such as time of day, nature of the crime, probability of the perpetrators return to the scene, the probability of further acts of violence and type of location. All MNPd personnel who may be dispatched to provide such security for a civilian crime scene technician shall assume the request has originated with the Crime Scene Investigations supervisor or officer-in-charge and proceed accordingly. In implementing this policy the following guidelines shall be followed:

- A. When a civilian crime scene investigator is dispatched to a given location, his/her supervisor shall determine if sworn back-up is required. If it is determined that such back-up is required and no sworn Crime Scene Investigations personnel are available, the supervisor shall request the County-wide dispatcher to notify the appropriate Precinct dispatcher.
- B. In those circumstances when a civilian crime scene investigator and a sworn member are dispatched to a scene and upon their arrival it is determined that the sworn security is not needed, the civilian investigator will inform the CSI supervisor who may permit the sworn member to check back into service.
- C. In those circumstances when a civilian crime scene investigator is dispatched to a scene without sworn back-up and upon his or her arrival, or while enroute, determines that circumstance may pose a safety risk, the crime scene investigator can request the CSI supervisor to authorize back up.
- D. In those circumstances when a back-up unit is not available, ECC personnel will inform the Crime Scene Investigations on-duty supervisor or officer-in-charge. The supervisor or officer-in-charge shall then determine whether the call will be put back in pending and the crime scene technician will be dispatched on another call or whether the crime scene investigator will standby pending the availability of a back-up unit.



#### **15.20.040 Fingerprints and Biological Samples from Employees for Exclusion**

Recognizing that crime scenes may be inadvertently contaminated by latent prints or DNA evidence from good Samaritans, first responders, and others, including responding police officers and crime scene technicians, it is necessary that laboratory personnel are able to quickly and effectively exclude such inadvertent evidence. It is most important that when evaluating DNA evidence, considering the quality of a sample can be degraded by a variety of factors, that exclusion samples are readily available so that an accurate DNA profile of the suspect(s) can be obtained. Therefore, it is the policy of the MNPd that:

- A. All employees, hired on or after January 2017, shall be required to provide fingerprint and DNA samples for maintenance by the MNPd Crime Laboratory for exclusion or elimination purposes.
- B. All employees assigned to the MNPd Crime Laboratory shall be required to provide fingerprint and DNA samples for maintenance by the MNPd Crime Laboratory for exclusion or elimination purposes.
- C. All employees who have an assignment which involves or may involve response to or investigation of crime scenes, processing of crime scenes or evidence, or the handling and storage of evidence may be required to provide exclusion or elimination samples of fingerprint and/or DNA evidence.
- D. Samples collected and processed pursuant to these provisions will be collected by trained personnel using nationally approved methods and maintained within a local database for the purposes of exclusion or elimination only.
- E. An employee who refuses to comply with the request for an exclusion or elimination fingerprint or DNA sample, when such sample can expedite or improve the efficiency of the investigation, impairs the efficiency of departmental operations and the effectiveness of the criminal investigation and may be subject to corrective or disciplinary action. (Category A)
- F. Use of samples collected as described above, use of a database owned or operated by MNPd, or use of data sourced for or intended for use by such database(s), for purposes other than provided herein or in approved standard operating procedures shall be a violation of policy. (Category A)

### **15.20.050 Requesting CSI Evidence Processing and Crime Laboratory Evidence Testing**

- A. **General** : MPD form 110 and 282 are used to initiate transfer of evidence from ESS to the MNPD – FSD Crime Scene Investigation/Evidence Processing Unit (CSI/EPU) and Crime Laboratory for testing.
1. **MPD Form 282** - Linked to Crime Laboratory Submission guidelines. Requests for CSI/EPU processing and/or Crime Laboratory testing require use of MPD form 282. Complete the required incident information, to include all known suspect and victim information and if there is a known trial date.
  2. **CSI Evidence Processing (EPU) Request** - Complete requests for processing evidence by CSI's Evidence Processing Unit (EPU).
  3. **Crime Laboratory Request for Forensic Testing** - Complete requests for testing evidence by choosing the Forensic Unit and referring to the link to submission guidelines on the form.
  4. Complete the circumstances of the incident/Special Notes section
  5. **MPD Form 110 – Evidence Sent for Testing**
    - a. A MPD Form 110 (Property/Evidence Report) must be approved before completing a MPD form 282 request. Approval of MPD form 282 is often dependent on the proper completion of the MPD form 110 and the proper packaging of evidence in conjunction with submission. The proximal (parent) packaging of a submission must be sealed and initialed across the seal with a **single** bar code on the proximal evidence packaging.
    - b. MPD form 282 requests are not needed for the below types of evidence:
      - i. BAC Kits – Toxicology
      - ii. Latent Print Envelopes - for workability and AFIS entry
      - iii. NIBIN eligible cartridge cases and firearms (excludes revolvers and shotguns)

As part of the NIBIN project, eligible firearms are processed/entered into NIBIN immediately upon receipt to the Crime Laboratory. A MPD form 282 should be submitted at the same time the MPD form 110 if processing is being requested for CSI/EPU before test fire of the firearm.

- c. Reports/notification of results (identifications/associations) of database searches (AFIS and NIBIN) are uploaded to the RMS under the incident number, and sent to Investigative Lieutenants and/or submitting officer. Preliminary Latent status is in the ARMS web link, which provides information on the workability of latent evidence, as well as the status of AFIS searches.
- d. Form 282 requests are needed for Crime Laboratory testing if comparison examination and an official laboratory report are needed following latent print and firearms related initial tests, i.e. workability, AFIS and NIBIN entries.

**B. 282s Crime Laboratory Requests for testing**

**1. Requests for Latent Print Unit Testing:**

- a. All latent print evidence is initially submitted to the Crime Laboratory via MPD form 110 for an analysis of quality. No MPD form 282 is required. (above)
  - i. Suitable submissions will be processed in AFIS, if no arrests have been made\*.
  - ii. The status of the latent print submissions may be viewed in ARMS by accessing the link titled “ Preliminary Latent Status Report”.
- b. Requests for Latent Print Unit service, comparison and additional AFIS search, use MPD form 282:
  - Choose Forensic Unit, **Latent Print**

**NOTE:** \* If arrests have been made:

- AFIS searches are delayed and may be requested with a MPD form 282 explaining the need for searches.
- Requests for suspect comparison will be prioritized behind requests for suspect comparison on open investigations.
- When/if the case is being prepared for trial or a comparison of an arrested suspect and/or additional AFIS searches are being requested, contact the Crime Laboratory through [crimelab@nashville.gov](mailto:crimelab@nashville.gov), or write the information “**Circumstances of the Incident/Special notes**” on the MPD form 282.

**2. Requests for Firearms and Tool Mark Unit Testing:**

- a. All NIBIN suitable fired cartridge cases and firearms, (semi-automatic pistols, pistol calibers and semi-automatic rifles of 7.62x39mm, 5.56mm and 5.45mm) are initially sent to the Crime Laboratory via MPD form 110 for entry into NIBIN. No MPD form 282 request is required. If comparative testing is required

in addition to the NIBIN entry, a MPD form 282 must be submitted.

Revolvers, shotguns etc. do not come to the Crime Laboratory on a form 110, and would need a form 282 request if testing is needed.

b. \*Requests for Firearms and Tool Mark Unit service from MPD form 282:

- Choose Forensic Unit, **Firearms**
- In “**Circumstances of the Incident/Special Notes**”  
Write any information related to the requests for:
  - **Firearm/Bullet Cartridge Comparison** - include any information about the case and/or association with other incidents and related requests.
  - **Distance determination** - When clothing or other items are submitted for testing to determine a muzzle-to-target distance.
  - **Tool Mark comparison**
  - **Serial Number restoration** - When the firearm has an obliterated or obscured serial number.
- \*Include all requests for services above on the form 282.

3. **Requests for Forensic Biology Unit (DNA) Testing:**

a. **Requests** for Forensic Biology Unit service from MPD form 282:

- 1) Choose Forensic Unit, **DNA**. Initial DNA submission items are limited, as below:
  - Homicide - 10 evidentiary items, not including standards
  - Other violent crimes – 5 evidentiary items, not including standards.
    - For sexual assault cases; MLE (if circumstances render necessary, two additional evidentiary items may also be submitted, i.e. condom, towel, etc...)
  - Property – 2 evidentiary items, not including standards
- 2) Reference standards must be submitted for all known involved individuals
  - If suspect standards are not obtainable, this must be stated in the “**Circumstances of the Incident/Special Notes**” section.
  - A reference standard from the deceased victim(s) of a homicide/death investigation are required. DNA elimination standards should be requested per the FBI’s DNA database requirement.
  - Items that are not eligible for the DNA database will not be tested without appropriate DNA standards.

- 3) If no meaningful information is provided with the initial testing, additional items may be submitted after consultation with the analyst.

b. **Types of Evidentiary Samples:**

- 1) Biological Fluids (blood, semen, saliva)
- 2) Wearer DNA (clothing, hat bands, gloves etc.)
- 3) Hair
- 4) Trace\*
  - **\*Trace** DNA may provide investigative leads in cases where there is no known reason an individual's DNA would be on the evidentiary item.
  - \*If trying to make an association between an individual and an evidentiary item, submissions will not be tested if the item of evidence is known to have been in possession or close proximity to the person of interest. Trace DNA testing does not definitively establish that an individual "touched" an item.

c. **Required Information for CODIS Entry** (Provide this information in the "**Circumstances of the Incident/Special Notes**" section.)

- 1) **How the evidence is related to the crime: Examples:**
  - i. item left at scene may belong to unknown suspect ...
  - ii. evidence from car linked to missing person...
  - iii. other links of evidence to the crime scene, associated with victim or suspect...
- 2) **Location of the evidence: Examples:**
  - iv. Evidentiary item found in stolen car that did not belong to the vehicle owner...
  - v. Evidentiary item found in suspected flight path of fleeing suspect...
  - vi. Location of recovery of DNA swabs...
- 3) For **suspect standards** to be entered into CODIS and maintained in a suspect database there must be a court order or MNP 278 submitted to the laboratory.

d. Other information required in "**Circumstances of the Incident/Special Notes**"

- 1) Gender of the victim in sexual assault cases
- 2) **Collection of trace DNA:** Due to the fragile nature of trace DNA, if possible, CSI should be notified for collection purposes. CSI may collect trace DNA at crime scenes or when requested via a written request on a MPD Form 282 –

Forensic Services Request Form. Also see MPD Manual 6.10.130.

- 3) **Testing of trace DNA:** Before testing trace DNA cases, the FB Unit will determine if testing is appropriate, based on case information and location of recovery of the evidence.

*Note: The test method and reporting for trace DNA versus DNA typically found in biological fluids is the same; but what can be inferred from a report is different. Trace DNA tests are primarily for investigative leads.*

Known standards are necessary for comparison in trace DNA cases. The Forensic Biology Unit will communicate with the submitting officer if there are further questions.

4. **Requests for Drug Identification Unit Testing:**

- a. Most drug tests are requested through the District Attorney's Office.
- b. Investigator's requests for Drug ID Unit service use MPD form 282:
  - Choose Forensic Unit, **Drugs**
  - In "**Circumstances of the Incident/Special Notes**" Write any information related to the request: For example: controlled purchases, sampled clandestine labs, safety related concerns or identification of an unknown for investigative lead. Include any information about association with other incidents and related requests.
- c. Officers must ensure:
  - Field test kits are packaged separately from suspected controlled substances. Field test kits should not be submitted to the laboratory for testing.
  - All plant materials are dried before packaging.

5. **Preparation for Toxicology Unit Testing:**

- a. All Toxicology cases are sent to the Crime Laboratory through MPD form 110.
- b. Officers must ensure that collection of blood samples is done as per instructions inside the BAC kit:
  - Tubes are labeled with the subject's name
  - Both tubes are at least one half full of blood
  - Tubes are inverted to mix anti-coagulant
  - The kit is sealed and labeled

## **15.20.060 Requests for Trace DNA and CODIS**

**A. General Trace DNA Information:** The MNPD-CL will accept and test trace DNA collected from scenes or portable items in cases where the testing might be useful for investigative purposes, and known standards are submitted.

- 1. General Trace DNA Information:** The MNPD-CL will accept and test trace DNA collected from scenes or portable items in cases where the testing might be useful for investigative purposes, and known standards are submitted.

Trace DNA testing is not useful when collected from evidence in a closed or public environment or from portable items of evidence when the purpose is to show possession or proximity to the evidence. Because it is trace DNA, it is not possible to determine how, when or where the DNA was deposited. The Crime Laboratory does not test swabs in circumstances like this.

Because of the importance of proper collection of trace DNA, CSI should be notified to collect trace DNA if possible.

**CODIS – general information:** Once tested, results from testing in trace DNA cases may be entered into the CODIS database if the case and item of evidence meets CODIS eligibility requirements (dependent upon the location of recovery and how the evidence is related to the crime in question). The CODIS database does not allow the entry of profiles from felon in possession cases, or any item of evidence in which the item/swab was collected from the detected person's residence, vehicle, person, or a location the person is known to occupy. Suspect standards are not uploaded to the National Level (only state and local).

### **2. Trace DNA submission advisories:**

- Trace DNA swabs submitted without DNA standards and that are not CODIS eligible will not be processed until the proper DNA standards are submitted.
- Swabs submitted for trace DNA tests will be consumed if necessary to obtain test results.
- If a court order was used to obtain a suspect's DNA, submit a copy of the court order with the MNPD Form 282 request for service.

## **B. Requests for Expedited or Priority Testing**

1. Requests for expedited testing must go through the Precinct or Division chain of command to the Forensic Service Division chain of command.
2. Email [crimelab@nashville.gov](mailto:crimelab@nashville.gov) with requests and supporting information.

## **C. Call Out - Crime Laboratory**

If Crime Laboratory services are needed immediately, notify the Forensic Service Division Commander, who will initiate the call-out.

## **D. CSI/EPU and Crime Laboratory Reports and Notifications**

1. **CSI/EPU Reports RMS:** CSI Processing results are available under the incident number in RMS when completed.
2. **Crime Laboratory Reports and Notifications**
  - a. **iResults:** All MPD form 282 request reports, all MPD form 110 Toxicology reports, AFIS, CODIS and NIBIN notifications are available in iResults. A notification email will be sent to the requesting officer on the 282 requests, and the official results can be viewed approximately 24 hours later. Additional officers may be copied to the email notification if the requesting officer adds the name in the “**Circumstances of the Incident/Special Notes**” portion of the MPD form 282. A notification email will be sent to the to Investigative Lieutenants for AFIS and NIBIN associations with the official results available in iResults approximately 24 hours later.

Investigative Lieutenants, select investigative personnel and the District Attorney’s office have access to iResults to view reports and notifications.

- b. **RMS:** All MPD form 282 request reports, all MPD form 110 Toxicology reports, AFIS, CODIS, and NIBIN notifications are available under the incident number in the RMS approximately 2-3 days after the report is released in iResults.

All Crime Laboratory inquiries or questions should be routed through [crimelab@nashville.gov](mailto:crimelab@nashville.gov).



## **15.30 Conducting Investigations and Victim/Witness Services**

### **15.30.010 Preliminary Investigations**

Preliminary investigations are those investigations performed by both uniformed and non-uniformed officers in cases involving felony and misdemeanor criminal acts. The preliminary, or initial, investigation is the police response to a report that a crime has occurred. As in every investigative effort, the primary objective of the preliminary investigation is to determine who committed the crime and to apprehend the person responsible. The preliminary investigator collects evidence that solidly supports the crime, the identification of the person responsible for the crime, and the arrest and subsequent conviction of that person. Officers should remember that their investigation, at this early stage, will uncover the majority of usable information about the case.

When making contact with any individual(s) for the purpose of conducting a preliminary investigation, officers should be aware of any type of issue that may interfere with the subject's ability for communication and/or comprehension.

Issues interfering with communication/understanding may include hearing impairment, but also cognitive deficits (e.g. dementia), or other apparent behavioral/mental impairment.

#### **A. Steps of the Preliminary Investigation**

1. Verification – Did an offense actually occur?
2. Identification - Of the victim, the location of the crime, and the time the crime occurred.
3. Jurisdiction - The power of the police or judicial officer to act.
4. Solvability Factors - Since all crime cannot be solved there should be a determination as to whether or not a case follow-up is warranted. Factors can include: availability of witnesses to the crime, knowledge of a suspect's name, location and/or description of a suspect, crime scene evidence, etc.
5. Communication - Report the circumstances of the crime completely and accurately so that all usable information is available to persons involved in the investigation and prosecution of the case.

6. Interviews/Interrogations - Documentation of those investigative talks completed, and identification of those yet to be done.
- B. Although there is no definitive order of priority by which these tasks must be done, the best investigative strategy dictates that the officer should first determine whether a crime occurred.

In most incidents involving calls for service, uniformed officers will respond to the scene. Except for calls handled by the teleserve function, calls involving relatively minor crimes or involving crimes of any nature that are in progress will initially be handled by uniformed personnel. When appropriate, the officer will complete an incident report. The report will be forwarded to the Records Division and then to the appropriate investigative division, where it will be given a case status designation and assigned for investigation, if appropriate.

- C. Cases involving serious bodily injury or death, high monetary loss, or cases of an unusual or sensitive nature will require that investigators respond to the scene. Crimes that involve bodily injury, requiring hospital treatment, will usually be investigated by Investigative Services Bureau personnel. When the injury is not serious, the uniformed officer may complete an incident report at the scene before the victim is transported for medical treatment.

When serious cases occur that require an immediate response by investigators, uniformed officers should:

1. Give necessary care and comfort to the victim, provide first aid and call for medical personnel, if necessary;
  2. Apprehend and detain the suspect(s);
  3. Protect and isolate the crime scene;
  4. Identify and detain witnesses; and
  5. Complete all necessary reports regarding all pertinent activities at the scene or any activities connected with the case. This includes compiling a list of all persons who entered the crime scene.
- D. Duties of Initially Responding Officers Conducting Preliminary Investigations

Uniformed Services personnel of the Metropolitan Police Department are generally responsible for the initial response and conducting the preliminary investigation. The preliminary investigation begins when

the uniformed officer is dispatched to the call. While enroute to the scene and upon arrival, the initially responding officer should do the following:

1. Observe and record all conditions and events surrounding the incident;
2. Apprehend the suspect, if possible;
3. Locate, identify, then separate victims or witnesses;
4. Interview the complainant, witnesses, and suspects;
5. Protect the crime scene, if any;
6. Arrange for the collection of evidence by contacting the Technical Investigations Section; if necessary;
7. Report the incident on the appropriate report, using the appropriate supplement report if needed; and
8. Advise appropriate supervisory personnel if the case is particularly complex and/or serious and if the case requires that investigative personnel respond immediately to conduct the preliminary investigation.
9. Numbers 1-8 above, notwithstanding, if investigative personnel are to respond to the scene, the initially responding officer should not :
  - a. Interview the complainant, witnesses, and suspects (except as necessary for vital information, safety concerns or emergency broadcast information); or
  - b. Arrange for the collection of evidence by contacting the Technical Investigations Section (this will be done at the specific direction of investigative personnel).

**E. Investigative Personnel Responsibilities During the Preliminary Investigation**

1. Coordinate efforts and work together with uniformed officers, and other departmental resources;
2. Ensure civil treatment and observance of legal rights of all persons coming within the investigator's scope of authority;

3. Maintain and protect the crime scene and evidence;
4. Communicate to appropriate supervisory personnel and to co-workers, all information obtained which concerns the achievement of common objectives;
5. Acquire and record information concerning crimes that have taken place in the area;
6. Record activities, events and remarks in prescribed form and detail;
7. Complete and submit reports of criminal incidents in conformity with established reporting procedures;
8. Accept accountability for the securing, receiving, and proper transporting of all evidence and property coming into his/her custody;
9. Identify and interview victims and witnesses and obtain all pertinent information;
10. Move promptly to apprehend the offender and conduct a thorough interrogation. Whenever apprehension is not possible, make a thorough investigation and relay essential information to other units or agencies;
11. Conduct a thorough investigation of all offenses within the area of assignment. Collect evidence and record data which will aid in the identification, apprehension, prosecution of offenders, and the recovery of property; and
12. Properly assess the need for a continued follow-up investigation. Indicate circumstances which would encourage or discourage the need for continuing the follow-up investigation.

**F. Preliminary Victim/Witness Services**

During the preliminary investigation, the responding officer will render any necessary emergency assistance to the victim. The officer also will provide the following services:

1. Inform the victim/witness regarding available services. This can be accomplished by providing a Victim Intervention brochure. Refer the victim/witness to the Counseling Services Division/Victim Intervention Section, if appropriate;

2. Advise the victim/witness of the departmental follow-up investigation guidelines and procedures, so that the victim/witness will be informed of how their case will proceed. Provide the complaint number to the victim/witness and a telephone number the victim can call for additional information about their case; and
3. Provide information to the victim/witness about reporting threats and/or intimidation. Instruct the victim/witness to immediately report any threats and/or intimidation concerning criminal prosecution of a case to the department. Advise the victim/witness that threats and intimidation will be investigated, and if a violation of law exists appropriate steps will be taken. These steps could include arrest, indictment, etc.

#### **15.30.020 Follow-Up Investigations**

##### **A. Developing Information to Aid in Resolving the Case**

1. The incident report constitutes the basic source of information received by investigative components.
2. All reports received will be reviewed by the appropriate investigative components supervisor to discover any valuable criminal intelligence, emerging crime patterns, or significant methods of operation.
3. Other sources of information may include the following:
  - a. A review of information provided by the Crime Analysis Unit.
  - b. Crime intelligence bulletins.
  - c. All applicable department records and criminal histories.
  - d. Additional interviews with the public, neighborhood canvas for witnesses, additional interrogations, use of informants, etc.
  - e. Seminars and meetings with satellite cities and other law enforcement agencies.
  - f. Information received by Crimestoppers.
  - g. All investigators will cooperate and open a line of communication so they may be able to gain any information from uniformed personnel, other specialized units, and other state and federal agencies. Investigators should seek additional

information at roll call briefings, or direct contact with various law enforcement officials and community leaders.

- h. The media can be a valuable aid in obtaining information from the public and should be used when necessary to solicit new or unknown information about crimes or suspects.
  - i. Investigators should be limited only by their imagination in developing innovative and/or legally sound means to obtain pertinent information.
  - j. All laboratory reports and information provided through identification processes will be regularly reviewed to determine if additional avenues of investigation are available.
- 4. Searches can provide additional information critical to an investigation. Prior to executing any search, proper planning and organizing will be conducted, based on the particular circumstances of that search. This effort will maximize the productivity of the search and provide safety for all officers and civilians. All searches will be conducted in full accordance with applicable laws and department regulations.
  - 5. Efforts will be made to identify and apprehend all suspects involved in the investigation. This effort may include working closely with other department elements and other law enforcement agencies.

**B. Follow-Up Investigation Responsibility**

- 1. Follow-up investigations of crimes will be conducted by personnel assigned to the division having investigative responsibility.
- 2. Documentation of follow-up investigations:
  - a. Investigators will prepare supplemental reports detailing investigative activity on cases assigned, providing their supervisor with updated information on progress made and the need for further investigation. This will determine the status of all cases assigned.
  - b. Supervisors will check officers' supplement reports and/or activity reports to ensure that unit objectives are being met, and that time and resources are being used in an efficient manner.
- 3. Follow-up case contact - Investigators shall attempt to/or make a second contact with principals involved in a case requiring follow-up

investigation. This is to ensure that all pertinent information has been received by our department and to inform the victim of their case status.

4. Case files will be prepared on all assigned investigations so as to provide an organized complete case for possible prosecution. Investigators will assist the prosecution by providing any additional information necessary for proper prosecution of the case, and will be available when formally notified that courtroom testimony is required.
5. A review of similar investigations should be conducted so as to determine if any suspects are involved in other crimes. Also a thorough check of the suspect's criminal history should be conducted.
6. Investigators will work closely with Technical Investigations Section personnel to collect and document all physical evidence at any crime scene.

**C. Follow-Up Services for Victims/Witnesses**

1. Whenever the impact of a crime has been unusually severe, and has triggered an above-average need for victim/witness assistance, the victim/witness will be re-contacted by Behavioral Health Services /Victim Intervention within 10 days of the initiation of a follow-up investigation. The Behavioral Health Services Division/Victim Intervention Section targets violent crime victims for follow up services and will contact victims experiencing trauma at the request of the follow-up investigator.
2. Information about the prosecution of a case or the victim/witness role in these proceedings will be provided by the Behavioral Health Services Division/Victim Intervention Section.
3. Any lineups, interviews, or other required appearances shall be scheduled at the convenience of the victim/witness whenever possible. The Behavioral Health Services Division/Victim Intervention Section will assist the investigator in this process. At the request of the department and/or victim, the Behavioral Health Services Division/Victim Intervention Section will provide the victim/witness transportation whenever appropriate.
4. Any property belonging to a victim/witness that has been taken as evidence by the department will be promptly returned subject to the rules of evidence and other legal limitations. The District Attorney's

Office will be consulted before releasing property in any questionable situation.

5. Department personnel will keep crime victims/witnesses notified of their case status. The Behavioral Health Services Division/Victim Intervention Section will continue to provide any necessary services during the prosecution of the case and at various post conviction stages.

### **15.30.030 Rights of Crime Victims**

The Rights of Crime Victims are designed to ensure that victims and other witnesses receive professional handling consistent with their important investigative and prosecutorial role. Our department must make every reasonable effort to assure that the personal rights and safety of victims or other witnesses are protected. Employees should be particularly sensitive to the special needs of the victims and families of crimes such as domestic violence, child abuse, sexual assault, and abuse of the elderly because of their effect on the structure of the family unit and the community in general. Tennessee Code Annotated provides for the following rights of crime victims:

#### **A. Victim/Witness Rights**

All victims of crime and prosecution witnesses have the right to:

1. Be treated with dignity and compassion; and
2. Protection and support with prompt action in the case of intimidation or retaliation from the defendant and the defendant's agents or friends.

#### **B. Informing Victims of Crime**

All victims of crime shall, upon their request, have the right to be fully informed orally, in writing, or by video tape by the office of the district attorney general, acting through the appropriate victim-witness coordinator, of the following:

1. The various steps and procedures involved in the criminal justice system.
2. The procedure and basis for continuances in the proceedings.



3. The procedure involved in the plea-bargaining process and how to request input into such process.
4. The times, dates and locations of all pertinent stages in the proceedings following presentment or indictment by the grand jury.
5. The methods by which the victim may have input into a convicted defendant's sentence, including the pre-sentence report and the sentencing hearing.
6. The stages in the appellate process and how to obtain information concerning appellate action that has an effect on the defendant's conviction or sentence and the date a defendant's sentence becomes final.
7. How to obtain pertinent information relating to the possible release of an appropriate inmate, including notification of any department of correction decision permitting such inmate's release into the community, or any scheduled hearing by the board of probation and parole concerning the inmate's parole or application for executive clemency.
8. The methods by which the victim may obtain restitution directly from the defendant and information about obtaining assistance in obtaining such restitution; and
  - a. The methods by which the victim may obtain a monetary award or other benefits from the criminal injuries compensation fund and information about obtaining assistance in securing such award or benefits;
  - b. Whenever possible, be advised and informed of plea bargaining discussions and agreements prior to the entry of any plea agreement, where such victim is a victim of violent crime, involving death of a family member or serious bodily injury, speak at parole hearings, submit a victim impact statement to the courts and the board of probation and parole and give impact testimony at court sentencing hearings;
  - c. Be informed that T.C.A. § 41-21-240 requires the Department of Correction to notify them, upon their request, at least ninety (90) days prior to the date an inmate with a sentence of two (2) years or more is scheduled to be released by reason of expiration of such inmate's sentence, and be informed how such a request of the department is made; and

- d. Be compensated for expenses actually and reasonably incurred as the result of traveling to and from the trial of the defendant or defendants and traveling to and from appellate, post-conviction or habeas corpus proceedings resulting from the trial of the defendant or defendants alleged to have committed a compensable offense subject to the provisions of T.C.A. Title 29, Chapter 13, part 1, and the availability of funds in the criminal injuries compensation fund.
9. Upon the request of a victim of violent crime involving serious bodily injury or death of a relative, such victim shall be supplied information and a request form by the law enforcement agency responsible for the investigation of the crime and/or the arrest of the defendant, the sheriff or other custodian of the defendant, or the victim-witness coordinator as to how the victim or relative of a victim may request and secure notification of the release from custody of an offender from a jail or detention facility prior to trial. The jailer, sheriff or other custodian of criminal offenders shall maintain a record or file of such request forms and, prior to the release of an offender about whom a notification request has been made, give immediate and prompt notice of such release to the requesting victim, or family member of a victim by the most direct means available, including telephone, messenger or telegram.

#### **15.30.040 Interviews and Interrogations**

Statements made by suspects and witnesses are often essential to the successful prosecution of a case. If a statement is to be admissible in court it must be obtained in a constitutionally correct manner.

##### **A. Custodial Suspect Statements (Confession)**

1. Only a voluntary confession, freely and intelligently made, can be used as evidence against a defendant.
2. Where legal guidelines require Miranda warnings; failure to advise a suspect of his/her rights is not permissible.
3. Investigators shall make every effort to complete MNPDP Form 266, Rights Waiver Form, when questioning a suspect who is already in custody.
4. If a suspect indicates they do not wish to speak with police, MNPDP Form 266, Rights Waiver Form, will be completed at an appropriate point and the suspect will be arrested or released.

5. MNPDPersonnel should be aware that there is a distinction when the person merely indicates they do not want to talk with the police and when they indicate they want an attorney.
6. Once a suspect indicates he wants to consult with an attorney, the investigator may not ask interrogative type questions again until an attorney is present, or the suspect indicates a willingness to resume discussions about the incident to the investigator or other police officers. If the suspect does not have an attorney, the officer will allow the suspect to contact an attorney, or the Public Defender's Office.
  - a. The suspect's indication that he/she would like to speak with an attorney should be clear and unequivocal. Both federal and state courts have held that the mere mentioning of an attorney is insufficient.
  - b. The suspect's request must be unequivocal. Until then, the investigating officer is under no obligation to cease questioning the person.
7. When a suspect indicates that they do not want to talk to the police, but does not unequivocally indicate that they want an attorney, the police may re-approach the suspect after a substantial amount of time has passed, so long as the suspect's initial request to remain silent has been honored. Additionally, the suspect shall be re-Mirandized before the second interrogation and a new waiver obtained.
8. Once a suspect unequivocally indicates he wants to consult with an attorney, all interrogative questioning must stop. However, questions that are not designed to elicit an incriminating response are acceptable.
9. Executing the Rights Waiver Form, MNPDP Form 266 - If the suspect agrees to waive their right to remain silent:
  - a. Each additional constitutional right shall be read by or to the suspect;
  - b. When completed, the suspect shall be asked to sign the form; acknowledging that they fully understand the constitutional rights, and are willing to waive all the rights and answer questions;

- c. The officer advising the suspect of their rights shall check appropriate lines and sign the form documenting the date and time; and
- d. In all investigations the constitutional warnings and the suspect's subsequent statement may be recorded using audio and/or video tape.

**B. Custodial Interrogation of Juveniles**

- 1. Whenever an officer is investigating a criminal offense involving a juvenile in custody, the officer shall advise the juvenile of his constitutional rights prior to interrogating them. MNPd Form 266, Rights Waiver Form, shall be completed.
- 2. The officer shall exercise special care in advising a juvenile of their rights. Factors to consider when determining whether the juvenile sufficiently understands and can voluntarily waive their rights include, but may not be limited to:
  - a. age of the juvenile;
  - b. consideration of all circumstances surrounding the interrogation including the juvenile's experience, education, and intelligence;
  - c. the juvenile's capacity to understand the Miranda warnings and the consequences of the waiver;
  - d. the juvenile's familiarity with Miranda warnings or the ability to read and write in the language used to give the warnings;
  - e. whether the defendant is suffering from any injury or pain at the time the statement is given;
  - f. the duration of the questioning;
  - g. time of day;
  - h. length of confinement;
  - i. whether defendant was cuffed or threatened;

- j. whether defendant was refused the use of bathroom, food, or drink;
  - k. whether there was a promise of leniency;
  - l. familiarity with English or the official language;
  - m. any intoxication;
  - n. any mental disease, disorder, or retardation;
  - o. the presence of a parent, guardian, or interested adult; and
  - p. whether the police prevented a concerned adult from speaking with the juvenile, which is a significant factor.
- 3. The officer will give consideration to conferring with parents or guardians prior to conducting the interrogation, particularly in the case of younger or mentally delayed juveniles.
  - 4. The number of officers involved in the custodial interrogation of a juvenile should be limited to two when possible and practical. The juvenile should not be interrogated for any extended period of time.

#### **C. Witness Statements**

Witnesses shall be identified by name, date of birth, social security number, home and work address and telephone numbers, and their relationship to the suspect/victim. The witness's statement should be obtained, and documentation made to verify the statement was given freely and without coercion.

### **15.30.050 Line-Up Procedure**

Line-ups are investigative procedures designed to ensure accurate and reliable identification of individuals suspected of crimes. The officer in charge of the investigation will be responsible for following all applicable legal and departmental guidelines when conducting any line-up.

#### **A. Types of Line-Ups**

- 1. Physical line-ups - a process in which a suspect is displayed with four other persons who have similar physical characteristics for the purpose of identification by a victim or witness.

2. Photographic line-up - A procedure in which a suspect's photograph is displayed with five other photographs of persons with similar physical characteristics for the purpose of identification by either a victim or witness.
3. Show-up identification - A procedure in which a victim/witness views a single person for the purpose of identifying the perpetrator of a crime.

**B. Preliminary Physical Line-Up Procedures with an Adult Suspect**

1. The victim/witness should not be allowed to view or see the defendant prior to the line-up.
2. Under no circumstances shall a victim/witness be given an opportunity to converse with or discuss the case with any other witnesses or victims prior to or after viewing the line-up.
3. The victim/witness shall be instructed:
  - a. Please do not discuss this identification procedure or the results with other witnesses in this case or with the media;
  - b. Focus on the event: the place, view, lighting, your frame of mind, etc. Take as much time as you need;
  - c. Make no identification unless you are positive of such identification;
  - d. People may not appear exactly as they did at the time of the event, because features such as clothing and hair style may change, even in a short period of time;
  - e. You should not assume the officer/detective conducting the line-up knows which, if any, of the persons are a suspect; and
  - f. As you look at these individuals, tell me if you recognize anyone as the person responsible for perpetrating the crime in question and explain what you witnessed him/her do.
4. Under no circumstances shall anyone attempt to influence the identification of any suspect in the line-up.
5. If there are multiple witnesses:

- a. The suspects shall be presented in same order;
  - b. multiple witnesses shall not view the line-up at same time; and
  - c. Witnesses shall not be allowed to converse with each other prior to or after viewing the line-up.
6. At least twenty-four (24) hours prior to conducting a line-up, the Davidson County Sheriff's Office must be notified and a Sheriff's Office line-up request form will be completed. This is mandatory unless otherwise approved by the Sheriff's Office.
  7. Although not mandatory, it is recommended that a court order be obtained prior to the showing of any physical line-up. This prevents any problems with suspects or their attorneys having reservations about participating in a pre-planned line-up. A General Sessions Court Line-Up Order form can be completed and signed by a General Sessions Judge.
  8. When a defendant is to be placed in a physical line-up for an offense where a formal charge (arrest warrant, indictment, presentment, etc.) has been made, contact the defendant's attorney. The defendant has the right for counsel to be present for the line-up to ensure that the line-up is conducted in a fair and non-suggestive manner.
  9. Ensure that the victim and witnesses do not know who the other participants in the line-up are.

**C. Conducting the Physical Line-Up**

1. Participants for the line-up may be picked from volunteers in the general inmate population of the jail. If circumstances arise when enough similar individuals cannot be located in the jail, police officers or other volunteers can be used.
2. Except for the unusual situation in which the question of clothing is pertinent, all persons in the line-up shall be attired in clothing furnished by the Sheriff's Department. Shoe covers should be worn so all line-up participants look uniform.
3. The persons who are to be used in the line-up shall be placed in line in the presence of the suspect. The suspect should then be advised that he/she may take whatever position in the line they desire.

4. The officer in charge must then complete MNPD Form 203A, Line-Up Participants form, indicating the name sex, race, height, weight, hair color, eye color, and complexion of all persons in the line-up. The persons in the line-up must be numbered consecutively starting with number one on the officers left as he/she faces the group. When referring to the participants, only numbers may be used.
5. The line-up participants shall be photographed. Additionally, the line-up may be video/audio recorded for documentation and integrity purposes.
6. The officer will keep detailed notes to include at a minimum the time, date, and location of all procedures concerning the line-up such as all persons present, the position where each person stood during each showing, and whether or not there were any body movements or statements made by any of the participants during the showing. MNPD Form 203A will be used to document any of the above.
7. Any body movements or statements by the participants will be made uniformly by all participants in the line-up.
8. Conversation between witnesses and officials shall be restricted to essential directions. Investigators shall make every effort to ensure that nothing will be said to suggest that a particular suspect is standing in the line-up, or to suggest the identity of the suspect.
9. Under no circumstances shall a victim/witness be given an opportunity to converse with or discuss the case with any other victim/witness prior to or after viewing the line-up.
10. Only necessary persons will be allowed in the line-up room during the showing.
11. A statement shall be documented by the investigating officer from the victim(s)/witness(es) in reference to the identification of the suspect and identifying the level of confidence expressed by the victim/witness.

If not previously documented, the investigating officer should obtain, from the victim(s)/witness(es), the location of the suspect at the crime scene, when the suspect was seen by the victim/witness at the crime scene, and in detail what the suspect was doing at the crime scene.



12. When a suspect has been identified from a physical line-up, the investigating officer shall notify the Identification Division requesting that the line-up photographs be processed and sent to the investigating officer. Upon receipt of the processed photos, the investigating officer shall place the photos, along with a copy of the Line-Up Identification Report, in a sealed envelope and place the envelope into the Property Section as evidence.

**D. Conducting Physical Line-Ups with Juvenile Participants**

The following guidelines have been arranged with Juvenile Court when a juvenile physical Line-up is necessary:

1. Line-ups involving juveniles who have been transferred to the criminal court shall be conducted in accordance with rules governing line-ups for adult defendants.
2. The following procedure shall govern line-ups for all other juvenile respondents:
  - a. When an officer identifies the need for a physical line-up involving a juvenile suspect, the officer shall contact the District Attorney's Juvenile Court Office.
  - b. Upon determining that the case is an appropriate one for a physical line-up, the District Attorney's Office shall file a written motion seeking permission to conduct the line-up, and a proposed order with the court.
  - c. If permission is granted, the District Attorney's Office shall immediately notify the juvenile's attorney (or the Public Defender's Office if the juvenile has no attorney) of the time, date, and location of the line-up to insure that the attorney has the opportunity to participate in the procedure.
  - d. The order granting permission for the line-up shall include the following provisions:
    - (1) The juvenile suspect and up to four (4) additional juveniles housed in the Juvenile Detention Center may be transported by police department personnel from the Juvenile Detention

Center to the Criminal Justice Center for the purpose of conducting the line-up;

- (2) While away from the Juvenile Detention Center, **no juvenile may be housed with adult inmates**; however, this provision shall not preclude the use of adult inmates as participants in the line-up when necessary;
- (3) Interrogation of juveniles participating in the line-up shall be prohibited unless the juvenile's attorney is present and the juvenile has executed a proper waiver of his other rights; and
- (4) A member of the District Attorney's staff shall attend the line-up to insure compliance with the terms of the court order.

#### E. Conducting Photographic Line-Ups

- 1. Photographic line-ups should be used when a suspect is not in custody. The case officer will be responsible for determining the necessity for a photographic line-up as well as preparing, presenting, and reporting it. The case officer shall insure that the following guidelines are used in assembling and conducting a photographic line-up:
  - a. Individuals in the photographs must have similar characteristics and features and be facing in the same direction;
  - b. Photographs must have similar backgrounds, and any placards or height markers must be covered;
  - c. Photographs must be similar in size;
  - d. The photographic spread must contain only one photograph of the suspect;
  - e. Color and black & white photographs must not be mixed;
  - f. Photographs must be numbered in the order of presentation;
  - g. Conversation between victim/witnesses and officials will be restricted to essential directions. Investigators shall make every effort to ensure that nothing will be said to suggest that a particular suspect is photographed in the line-up, or to suggest the identity of the suspect;

- h. The officer/detective presenting the photographs should not advise the victim/witness that they have or have not chosen the "right" person even after they've made their selection;
- i. Under no circumstances shall a victim/witness be given an opportunity to converse with or discuss the case with any other victim/witness prior to or after viewing the line-up.
- j. The victim/witness shall be instructed:
  - (1) Please do not discuss this identification procedure or the results with other witnesses in this case or with the media;
  - (2) Focus on the event: the place, view, lighting, your frame of mind, etc. Take as much time as you need;
  - (3) Make no identification unless you are positive of such identification;
  - (4) People may not appear exactly as they did at the time of the event, because features such as clothing and hair style may change, even in a short period of time;
  - (5) You should not assume the officer/detective conducting the line-up knows which, if any, of the persons are a suspect; and
  - (6) As you look at these pictures, tell me if you recognize anyone as the person responsible for perpetrating the crime in question and explain what you witnessed him/her do.
- k. After viewing the photographic line-up, the officer shall document the time, date and location of the presentation, the identity of the person viewing the photos, whether the witness makes an identification and any statements made by the victim or witness on MNPd Form 203, Photograph Identification Form.
- l. A statement shall be documented by the investigating officer from the victim(s)/witness(es) in reference to the identification of the suspect and identifying the level of confidence expressed by the victim/witness.
- m. If not previously documented, the investigating officer should obtain, from the victim(s)/witness(es), the location of the suspect at the crime scene, when the suspect was seen by the victim/witness at the crime scene, and in detail what the suspect was doing at the crime scene;

- n. If the person viewing the photographic Line-up makes an identification, package the photographic Line-up as evidence in exactly the same way it was shown to the witness, including the folders used to hold the photographs. The photographic line-up shall be placed as evidence in the Property Section along with the original MNPB Form 203. Copies of the photographic line-up can be kept in the case files; and
- o. If a photographic Line-up is shown and no identification is made, this fact shall be shown on MNPB Form 203, and the suspects name should be indicated next to his/her booking identification number. MNPB Form 203 shall then be placed in the case file.

2. Juvenile photographic line-up procedures

The use of juvenile arrest photographs have unique procedures that are mandated by law. The photographs shall be maintained in accordance with state law, in the Identification Division of the department in secure files separate from any adult files. The Identification Division Commander shall be responsible for assuring that photograph availability complies with state law, and approving access to photographic files. The photographs are **confidential** and shall be used by law enforcement officials **only** when necessary for the discharge of their official duties. All other procedures listed above that are applicable to adult photo Line-ups shall be followed when showing a juvenile photographic Line-up.

F. Show-Up Identification Procedure

- 1. Generally, if a suspect is detained within a two (2) hour window of the commission of a crime and the investigation is ongoing, the person may be presented in a show-up. The victim(s) or witness(es) may be transported to the person/suspect by officers for possible positive identification.
- 2. Providing exigent circumstances exist, a show-up may be conducted outside the two (2) hour window. In each case the critical issue is whether there was sufficient proximity of time and place between the offense and the show-up. Obviously, the longer the time elapsing between the crime and the show-up the greater the need to document the articulable facts as to why the show-up did not occur within the two (2) hour window. Such facts may include, but not limited to: length of time victim observed suspect, lighting, time of incident, etc.

3. It is preferable, if possible and while not unduly detaining the suspect for an extended period of time, to return the person/suspect to the crime scene when lighting, weather, and other conditions are the same as when the crime occurred.
4. Conversation between victim/witnesses and officials shall be restricted to essential directions. Investigators shall make every effort to ensure that nothing shall be said to suggest the identity of the suspect;
5. Under no circumstances shall a victim/witness be given an opportunity to converse with or discuss the case with any other victim/witness prior to or after conducting a show-up.
6. The victim/witness shall be instructed:
  - a. Please do not discuss this identification procedure or the results with other witnesses in this case or with the media.
  - b. Focus on the event: the place, view, lighting, your frame of mind, etc. Take as much time as you need.
  - c. Make no identification unless you are positive of such identification.
  - d. People may not appear exactly as they did at the time of the event, because features such as clothing and hair style may change, even in a short period of time.
  - e. As you look at this person, tell me if you recognize him/her as the person responsible for perpetrating the crime in question and explain what you witnessed him/her do.
7. After a show-up, the officer shall document the time, date and location of the presentation, the identity of the person viewing the suspect, whether the witness makes an identification and any statements made by the victim/witness on MNPB Form 100, Incident Report and/or MNPB Form 106, Arrest Report.
8. A statement shall be documented by the investigating officer from the victim(s)/witness(es) in reference to the identification of the suspect and identifying the level of confidence expressed by the victim/witness.

## **15.40 Response Procedures for Sexually Related Offenses**

### **15.40.010 General Provisions**

The Criminal Investigations Division Adult Sex Crimes Unit of the Metropolitan Nashville Police Department (MNPd) has the primary investigative responsibility for conducting investigations into sexually related offenses when the victim is 18 years of age or older.

The Sexual Abuse Unit of the MNPd Youth Services Division has the primary investigative responsibility for conducting investigations into sexually related offenses when the victim is 17 years of age or younger.

The Metropolitan Nashville Police Department recognizes that sexually related offenses are violent and demeaning personal crimes. In accordance with the provisions contained herein, it shall be the policy of the Metropolitan Nashville Police Department to quickly and adequately respond to reports of sexually related offenses. Such response shall be accomplished by the assignment of any patrol, investigative, or support resources necessary to assist in caring for the victim(s) and apprehending the perpetrator(s).

### **15.40.020 Dispatching of Calls**

Emergency Communications Center (ECC) policy divides calls for sexually related offenses into two general types – “field” and “hospital” calls.

- A. Field Calls: Reported sex related offenses where the victim has not been transported away from the scene of the offense, or the location where the request for police service was made, or any location other than a medical facility.
1. Upon receiving a call for a sexually related offense, a patrol officer will be dispatched immediately.
  2. The patrol officer shall respond, assess the call, and notify a sex crimes investigator if it is an actual sexually related offense and the victim is willing to cooperate and assist in the investigation. If a sex crimes investigator is not available, a precinct investigator will be notified.
  3. Should the precinct investigator be unable to respond, the appropriate investigator shall be notified via established policy and procedure governing call-outs for investigative units.

- B. Hospital Calls: Reported sexually related crimes where the victim has been transported to a medical facility prior to police notification.
1. Upon receiving a call in which a victim of a sexually related offense is at, or being transported to, a medical facility, a patrol officer will be dispatched immediately.
  2. Should an investigative unit be needed at the scene and a sex crimes investigator is unavailable, the appropriate investigator shall be notified via established policy and procedure governing call-outs for investigative units.
  3. ECC will ensure that the patrol officer is relieved by an investigator as soon as possible. This will be accomplished by:
    - a. Dispatching an appropriate available sex crimes investigator;
    - b. Dispatching an available precinct Investigator; or
    - c. Dispatching a sex crimes investigator responding to a call-out initiated by an on-duty precinct investigator.

#### **15.40.030 Patrol Response**

A. Field Calls

Upon receiving a call alleging a sexually related offense, patrol personnel shall immediately respond to the scene and/or area. The responding officer(s) will be responsible for the following:

1. Aid injured;
2. Call for medical assistance if independent injuries constitute a medical emergency. **Victims should not be transported by the Fire Department, as rape alone does not justify emergency medical (ambulance) transportation;**
3. Apprehend suspect(s);
4. Protect crime scene;
5. Broadcast suspect and/or vehicle description;
6. Identify and separate witnesses;
7. Assist investigators; and
8. Complete necessary reports.

B. Hospital Calls

Upon receiving a call for a sexually related offense at a medical facility, patrol personnel shall respond immediately. Patrol personnel

dispatched to hospital calls will be relieved by an investigator as soon as possible. The responding personnel shall:

1. Speak with the victim to determine when and where the incident occurred. **(DO NOT interview the victim in the event he or she is 12 years old or younger, unless it is absolutely essential to obtain information immediately. Obtain the information from the complainant, parent, or guardian.)**
2. Advise the victim that the police will do everything possible to help.
3. Interview any friends or family that may be present.
4. Relay all information to the relieving investigator.
5. Complete necessary reports.
6. **Do not** initiate any evidence collection procedures.

#### **15.40.040 Authority of Precinct Investigators**

Precinct investigators and supervisors play a crucial role in the call-out procedure, and have discretionary authority for the Sex Crimes Section to initiate call-outs when investigators are off-duty and/or unavailable by telephone or radio.

#### **15.40.050 Call-Out Criteria for Sex Crimes Investigators**

See 15.10.050(B) for specific provisions regarding the call-out criteria for Sex Crimes investigators.

#### **15.40.060 Duties of Sex Crimes Investigators**

Sex crimes investigators may consult with the requesting supervisor or a supervisor on the scene of the incident before responding to determine the best course of action. However, if the incident does not meet the call-out criteria and the requesting supervisor directs that the investigator respond, he/she shall respond to the scene.

#### **15.40.070 Human Immunodeficiency Virus (HIV) Testing of Suspects**

- A. All other provisions of this order notwithstanding, when a person is initially arrested for the charge of Aggravated Rape, Rape, Statutory Rape, or Rape of a Child, the arresting officer shall immediately cause that person to undergo human immunodeficiency virus (HIV) testing in accordance with current law.
- B. The arresting officer shall utilize the following procedure whenever an individual is initially arrested for the charge of Aggravated Rape, Rape, Statutory Rape, or Rape of a Child:



1. The arresting officer shall first ensure that the appropriate medical assistance has been made available or summoned for the victim(s) and/or suspect.
2. Once the crime scene is secure, the arresting officer shall notify an on duty Sex Crimes detective who shall immediately respond to the scene.
3. If an on duty Sex Crimes detective is not available, the arresting officer shall have the Emergency Communications Center (ECC) notify the on call Sex Crimes detective who shall immediately respond to the scene.

**NOTE:** At no time will a call out of this nature be delegated to another unit/section of the Metropolitan Nashville Police Department. If the arrest is made by an investigative unit other than Sex Crimes, a Sex Crimes detective shall still be notified and respond to ensure the HIV testing is completed according to law.

4. The arresting officer may transport the suspect to Nashville General Hospital at the request of the on scene Sex Crimes detective.
5. The Sex Crimes detective shall be responsible for informing the hospital emergency intake personnel that the suspect is to be tested for HIV as required by TCA 39-13-521.
6. Once the HIV test has been completed, the arresting officer will transport the suspect to booking and complete the booking procedure.
7. If the arrest was initiated by a detective assigned to the Sex Crimes Unit, that detective shall complete the booking procedure.

**NOTE:** The above provisions cover **any initial** arrest for the crimes of Aggravated Rape, Rape, Statutory Rape, and Rape of a Child whether the arrest was a new charge initiated by the officer or based on an existing arrest warrant. Additionally, a search warrant may not be required for testing as outlined in this provision. Field personnel should consult Sex Crimes Investigative personnel for assistance before attempting to secure any search warrant in such cases.

#### **15.40.080 Mechanics of Call-Outs**

- A. Consistent with existing departmental policy and the provisions of this order, call-outs shall be conducted by:

1. Precinct investigators;
  2. Precinct supervisors;
  3. ECC, acting at the direction of Precinct investigators or a supervisor in the field; or
  4. ECC, pursuant to the current “on-call” lists.
- B. Any personnel conducting a call-out shall use the current list as recorded on MNPd form 030, Monthly “On-Call” List.

## **15.50 Domestic Violence**

### **15.50.010 General Provisions**

In both arrest and non-arrest situations involving domestic related calls, officers will take all reasonable measures necessary to assure the immediate safety of the victim(s), any children, the offender, or any other person who may be affected. Investigating officers shall determine what action would be most effective in reducing the likelihood of future abuse.

### **15.50.020 Definitions**

- A. **Domestic abuse** means inflicting or attempting to inflict physical injury by other than accidental means on a “domestic abuse victim,” as defined herein, who is an adult or minor, placing an adult or minor in fear of physical harm, physical restraint, or malicious damage to the personal property of the abused party.
- B. For the purpose of this directive, **domestic violence** shall have the same meaning as “domestic abuse,” as defined in the Tennessee Code Annotated.
- C. A **Domestic abuse victim**, means any person who falls within the following categories and who a law enforcement officer has determined is not a primary aggressor under the factors set out in state law:
  - 1. Adults or minors who are current or former spouses;
  - 2. Adults or minors who live, or who have lived together;
  - 3. Adults or minors who are dating or have dated, or who have or had a sexual relationship, as used herein “dating” and “dated” do not include fraternization between two (2) individuals in a business or social context;
  - 4. Adults or minors related by blood or adoption;
  - 5. Adults or minors who are, or were, formally related by marriage; or
  - 6. Adult or minor children of a person in a relationship described in the categories listed above.
- D. **Order of Protection:** An order of protection is an order of a civil court which is issued after a hearing filed by a petitioner (as defined by T.C.A. § 36-3-601) which sets forth the specific orders of the court for the protection of the petitioner, and is enforceable by police officers without an arrest warrant. (Note: Special precautions relevant to ex-parte orders of protection within policy.)
- E. **Petitioner** means the person alleging domestic violence, sexual assault, or stalking in a petition for order of protection.

- F. **Predominant Aggressor** is the person determined to be the most significant aggressor, rather than the first, aggressor.
- G. **Preferred response** means law enforcement officers shall arrest a person committing domestic abuse unless there is a clear and compelling reason not to arrest.
- H. **Respondent** means the person alleged to have abused, stalked, or sexually assaulted another in a petition for an order of protection.
- I. **Strangulation** means intentionally impeding normal breathing or circulation of the blood by applying pressure to the throat or neck or by blocking the nose and mouth of another person. For charging purposes the suspect would be charged with TCA 39-13-102, Aggravated Assault. A person commits aggravated assault that “attempts or intends to cause bodily injury to another by strangulation”.

#### **15.50.030 Documentation of Incident and Departmental Record-Keeping**

- A. An MNPDP Form 100, Incident Report, MNPDP Form 117, Domestic Violence Supplement Report and (if necessary) MNPDP Form 117 LAP will be completed whenever an officer investigates an allegation of domestic violence to include: Homicide, Aggravated Assault, Domestic/Simple Assault, Stalking, Kidnapping/Abduction, Burglary, Robbery, Rape, Violation of an Order of Protection, Vandalism/Damage to Property, Intimidation, and Harassment. This does NOT include: Matter of Record, Theft, Fraud, Accidental Injury, Recovered Property, Lost Property, Found Property, Motor Vehicle Theft, Psychological Evaluation, or Family Offense (Non-violent).
- B. Strangulation and Documentation

For offense reporting purposes vs CJIS charging for the offense of strangulation MNPDP personnel shall utilize the following for clarification:

1. Regardless if consciousness is lost by the victim the charge should always be an Agg. Assault – Strangulation in CJIS; however, for report writing purposes if the victim did not lose breath, consciousness, etc. the Incident Report only will be classified as a simple assault.
2. Strangulation is a Class C Felony. Aggravated Assault now encompasses "strangulation or attempted strangulation." The strangulation does not need to impede breathing, blood flow, cause injury, etc. Placing hands on a victim's neck but the victim still being able to breath would still count as an aggravated assault

under this new law. If a defendant attempts strangulation the charge should be aggravated assault.

- C. An incident involving theft, burglary, etc. should not be marked as a domestic disturbance, unless there is an articulable indication that the suspect in the incident is related to domestic violence. For example; if a victim of a burglary states..."I just broke up with my boyfriend and I think he did this"... there would not be enough to articulate why this would be a domestic disturbance.
- D. If an officer decides not to make an arrest, or decides to arrest two (2) or more parties, the officer shall include in the report the grounds for not making an arrest or for arresting two (2) or more parties.
  - 1. In determining whether to arrest both parties MNPd investigating officers shall use the identifiers as described in 15.50.050 to determine a Predominant Aggressor. Arresting both parties when factors are present to identify the Predominant Aggressor and are not applied can cause the victim to be less likely to call for help in the future.
  - 2. Arresting both parties without proper determination of primary or Predominant aggressor may cause additional problems:
    - a. If children are present they may have been needlessly placed with others,
    - b. Arrest of the victim reinforced the true batterers threat that the police will arrest the victim, and
    - c. Most prosecutors will not file a criminal charge against both as neither party has to testify in court based on their right against self-incrimination.
  - 3. Additionally prior to making a dual arrest the officer shall notify their supervisor and document in the narrative which supervisor was notified as well as their reasoning for making a dual arrest. Dual arrest is not the preferred response due to several factors such as re-victimizing the victim, the real victim possibly not wanting police assistance again; as well as, the issues that arise when the case goes to court in regards to self-incrimination.
- E. The Data Entry Section will be responsible for assuring the entry of data from domestic violence reports into the computer system.
- F. The Domestic Violence Division will compile records and statistics on domestic violence cases, including case assignments and case dispositions.

**15.50.040 Initial Response and Investigation**

- A. It is the policy of the police department to give a domestic violence call the same priority as any other life threatening call. Whenever possible, at least two officers and a supervisor will respond to the scene of a domestic violence call.
- B. If the responding officer is notified that the Emergency Communications Center has received a second call canceling the original call, the responding officer shall continue to the call to ensure the safety of the complainant.
- C. To avoid increased risk to the victim or responding officers, “call backs” for the purpose of obtaining additional information prior to the officer’s arrival should not be allowed. A call back can be made if there is no answer at the door or an address needs to be confirmed.
- D. At the scene of a domestic violence call, the investigating officers will:
  - 1. Establish control of the scene and restore order by:
    - a. Separating the parties;
    - b. Assessing the need for medical attention; and if there is an indication of strangulation the officer shall request an ambulance to the scene to evaluate the victim. Officers should keep in mind victims who have suffered from strangulation may not have any visible injuries but could have serious internal injuries. If an ambulance is not called to the scene when there is an indication of strangulation, the officer shall document the reasons on the offense report and notify his/her supervisor. Victim refusal should never be the sole factor. Victims may not realize the severity of the strangulation before they refuse medical attention.
    - c. Protecting the crime scene.
  - 2. Interview all parties separately (victim, suspect, and witnesses). Interview children in a manner appropriate for their age.
  - 3. After an initial investigation, determine if an arrest is appropriate (see 15.50.060).
  - 4. Collect and record evidence. When appropriate, arrange for color photographs of injuries, property damage, threats, etc. made by means of text, emails, or social media, or any other elements worthy of documentation. (Refer to the DV checklist located on the PDWeb).

5. Provide victim assistance (see 15.50.070).
  6. Prepare an MNPDP Form 100, Incident Report, MNPDP Form 117, Domestic Violence Supplemental Report and (if necessary) MNPDP Form 117 LAP for offenses as described in 15.50.030, sub section A. When appropriate, require officers on the scene to complete MNPDP Form 104, Supplement Report.
- E. Officers shall wait to be invited inside but will take appropriate action if there is an indication that a forced entry is necessary.
1. A forced entry is permissible at any time there is probable cause to believe that the safety of a potential victim may be in jeopardy. Officers may take into account everything they personally observe, all physical evidence, and all things learned from witnesses or other persons supplying information. In evaluating any information, officers shall take into account the credibility of the persons supplying the information and whether there is a reasonable basis for believing the content of the information.
  2. When assessing whether a forced entry should be made or whether the investigation should be continued when there is no response from the complainant, officers will ensure that all information available has been obtained from the Emergency Communications Center. This will include, but is not limited to, the content of the complainant's message/request, the urgency of the request, and the complaint clerk's assessment as to the seriousness of the request.
- F. Supervisory personnel **shall** monitor the receipt of any domestic violence incident dispatched to any officer under their command or within their area of responsibility, and respond, if resources allow, assuring compliance with department policy.
- G. When officers respond to a domestic violence call and the victim or suspect is a sworn employee of a law enforcement agency, an MNPDP supervisor shall be notified and shall respond to the scene (see 15.50.110 if the person is an employee of this department).
- H. Because of the volume of domestic violence incidents reported, the Domestic Violence Division cannot investigate all cases (requests for assistance of Domestic Violence Division personnel on the scene must meet certain criteria – see below). However, Domestic Violence Division investigators and/or supervisors shall be available to provide assistance either in person, by phone, or by radio on any case in which their expertise may be requested. In a case where a Domestic Violence Division investigator is not required on the scene, the officer

shall complete the report and take all appropriate prosecutorial action. It is important for the department to utilize all of its resources to find the suspect and take him/her into custody (if a warrant has been, or will be, issued) to prevent further abuse. Copies of all domestic violence reports shall be forwarded to the Domestic Violence Division for review.

- I. Criteria for cases requiring notification of Domestic Violence Division detectives include:
  1. Public Safety personnel (sworn & civilian) or criminal justice personnel involved in a domestic incident
    - a. Metropolitan Nashville Police Department Employees ( sworn & civilian )
    - b. Metro Park Police
    - c. Metro School Crossing Guards
    - d. Any Law Enforcement Officer ( including out of state, Vanderbilt, Berry Hill, Campus Police, Tennessee State University, County Deputy, State Trooper, etc... )
    - e. Nashville Fire Department Employees
    - f. Davidson County Sheriff's Department
    - g. Armed Correction Officers (Corrections Corporation of America, River Bend Corrections, Tennessee Department of Corrections, etc... )
    - h. Emergency Communications Center ( ECC )
    - i. Officials of the Courts ( Juvenile, General Sessions, Criminal )
  2. Victim and/or suspect in a domestic violence incident requires treatment at a hospital for a serious bodily injury;
  3. Spousal rapes (joint investigation with the Sex Crimes Section whereas the DVD will be secondary);
  4. Domestic related aggravated assaults where weapons are used, the suspect is not in custody, and there is a crime scene to be processed;
  5. Domestic related kidnapping or hostage situations;
  6. Domestic related stalking cases where victim is in imminent danger;
  7. Domestic related homicides (joint investigations with the Homicide Section or the Investigative Unit assigned to the precinct in which the incident occurred whereas the DVD will be secondary);



8. All high profile domestic related cases that would be released to the media through the MNPB Public Affairs Office (example: Elected Public Officials, Professional Athletes / Entertainers, etc... )
- J. In addition, the Domestic Violence Division will conduct investigations when:
  1. Cases directed from the District Attorney General's Office;
  2. Victims (walk-ins) come directly to the Domestic Violence Division office for assistance;
  3. Cases referred by the Tennessee Department of Human Services (e.g., elder abuse);
  4. Cases referred by the courts or the probation office;
  5. As directed by the Commander of the Domestic Violence Division or designee.

K. "Night Court" Walk-In Cases

When the victim(s) of domestic violence appear before the Night Court magistrate prior to the police initiating an investigation, the magistrate should refer the victim(s) to on-duty police personnel so that the case can be investigated and a report completed before issuing a criminal warrant.

1. If a request is made for Domestic Violence Division personnel to assist the victim(s) at Night Court after hours, and there are no Domestic Violence Division personnel available, the magistrate should refer the victim(s) to on-duty police personnel.
  2. If the investigating officer has determined that exigent circumstances exist, and the assistance of Domestic Violence Division personnel is required, the on-call Domestic Violence investigator/supervisor will be notified according to current policy governing call out procedures.
- L. Appropriate photographs of injuries, crime scenes, and other items of evidentiary value will be made.
1. Investigating officer(s) will have photographs made of physical injuries as well as malicious damage to property or any other elements worthy of investigation. Investigating officer(s) can use the MC-75 or other approved hand held devices; however, if the aforementioned devices cannot adequately capture the

photographic evidence then the officer(s) shall request access to an assigned Precinct camera via their sergeant.

2. Domestic Violence Division personnel will maintain cameras for documenting injuries or evidence, and may be called, if available, to take photographs in non-critical, non-life threatening cases. In addition, follow-up photographs may be taken later to further document injuries.
3. The Crime Scene Investigations Section (CSI) of the Identification Division may also be requested for photographs or other crime scene processing activities and shall be called in all critical, life threatening, or complex crime scene cases.

#### **15.50.050 Arrest Determination**

- A. If an officer has probable cause to believe that a person has committed a crime involving domestic violence, whether the crime is a misdemeanor or felony, or was committed within or outside the presence of the officer, the **preferred response of the officer is arrest**. As defined by law, preferred response means “officers shall arrest a person committing domestic violence unless there is a clear and compelling reason not to arrest” (TCA § 36-3-601).
- B. If an officer has probable cause to believe that two (2) or more persons committed a misdemeanor or felony, or if two (2) or more persons make complaints to the officer, the officer shall try to determine who was the primary aggressor. **Arrest is the preferred response only with respect to the primary or predominant aggressor.** The officer shall presume that arrest is not the appropriate response for the person or persons who were not the primary aggressor. **If there are reasons for an officer(s) to believe that all parties are equally responsible, the officer shall exercise the best judgment possible in determining whether to arrest all, any or none of the parties.** The officer shall document the reason(s) for this determination. The officer shall contact his or her supervisor prior to arresting both parties while documenting who was consulted and the reason(s) for this determination.
- C. To determine who is the primary aggressor, the officer shall consider (reference TCA § 36-3-619):
  1. The history of domestic abuse between the parties;
  2. The relative severity of the injuries inflicted on each person;
  3. Evidence from the persons involved in the domestic violence;

4. The likelihood of future injury to each person;
5. Whether one (1) of the persons acted in self-defense;
6. Evidence from witnesses of the domestic violence;
7. Criminal History of the parties;
8. Which party is in fear?;
9. Did one party escalate the violence?;
10. Was a weapon used?; and
11. Any Protective Orders or Conditions of Bond present.

**D. An officer shall not:**

1. Make any statements which would discourage a victim from reporting an act of domestic violence;
2. Threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage future requests for intervention by law enforcement personnel; or
3. Base the decision of whether to arrest on:
  - a. The consent or request of the victim; or
  - b. The officer's perception of the willingness of the victim or of a witness to testify or participate in a judicial proceeding.

**E. Self-defense (TCA § 39-11-611):**

1. A person who is not engaged in unlawful activity and is in a place where the person has a right to be has no duty to retreat before threatening or using force against another person when and to the degree the person reasonably believes the force is immediately necessary to protect against the other's use or attempted use of unlawful force.
2. A person who is not engaged in unlawful activity and is in a place where the person has a right to be has no duty to retreat before threatening or using force intended or likely to cause death or serious bodily injury, if:
  - a. The person has a reasonable belief that there is an imminent danger of death or serious bodily injury;

- b. The danger creating the belief of imminent death or serious bodily injury is real, or honestly believed to be real at the time; and
  - c. The belief of danger is founded upon reasonable grounds.
- F. If the victim(s) of domestic violence refuses to initiate prosecution, the suspect is in custody, and the investigating officer has probable cause to initiate prosecution, he/she shall sign the warrant. The victim and other witnesses shall be listed on the warrant so they may be subpoenaed. If the suspect is not in custody and probable cause exists the officer shall attempt to obtain a warrant on behalf of the victim.
- G. When the victim agrees to prosecute, the responding officer shall offer to write, **or** supervise the writing of, the affidavit of complaint that the victim swears to and is made part of the warrant or criminal summons.
- H. If the domestic violence misdemeanor offense involves a “domestic abuse victim,” the appropriate charge is Tennessee Code Annotated (TCA) § 39-13-111, Domestic Assault, or its replacement if any.

#### **15.50.060 Victim Assistance**

- A. In all domestic violence situations, especially where the victim has refused the officer's offer of transportation, as required by TCA § 36-3-619, the officer will advise the victim of the availability of a shelter and other services in the community, including counseling services at the Domestic Violence Division for non-offending family members. The officer shall also provide the victim immediate notice of the legal rights and remedies available by furnishing the victim the Citizen's Information Notice, MNPDP Form 146, and a copy of the VINE brochure which includes the "Notification to Victims of Domestic Violence" statement as required by TCA § 36-3-619.
- B. In all domestic violence incidents, an officer shall, when applicable:
  - 1. Explain options available to the victim including the prosecution process, ex parte order of protection, and in the case of arrest, the follow-up procedures and criminal proceedings.
  - 2. Advise the victim of available community resources and domestic violence counselor services.
  - 3. Verify and enforce ex parte and full orders of protection as well as bond conditions.
  - 4. Exercise reasonable care for the safety of the officers and parties involved.

5. Inform the victim of the complaint number and the steps in processing the complaint.
6. After being advised of the above process, if the victim does not have available transportation, the responding officer shall offer to transport the victim, or arrange for transportation, to a place of safety, or to the night court for the obtaining of a warrant.

**NOTE:** A warrant for a domestic-related offense will only be issued at the request of an investigating officer. The district attorney's intake office does not assist victims with domestic warrants.

#### 15.50.070 Initiating a Lethality Assessment

- A. **The Lethality Assessment Program is based off the "Maryland Group" in 2005. The LAP is a strategy to prevent domestic violence homicides and serious injuries by providing a method for the MNPD to identify victims of domestic violence who are a the highest risk.**
- B. The responding officer shall complete the Lethality Screen (LAP) when he/she responds to a domestic violence complaint involving intimate partners and one or more of the following exist:
  1. **When you believe there's been an assault or other act of domestic violence.**

This standard is much lower than a showing of probable cause. If probable cause and/or a subsequently an arrest is made, the officer should definitely initiate the LAP. But this standard does not rise to that level; the standard considers only the officer's "*belief*" that an assault or other act of domestic violence occurred (e.g., violation of protective order, stalking, etc.). The officer simply needs to believe the incident occurred, but does not need to have any demonstrable evidence or proof.
  2. **When you believe the victim faces danger once you leave.**

Officers and advocates often feel uncomfortable when they leave or disconnect with the victim from the scene. They are uncomfortable because they sense that the victim is in danger and will be harmed, but feel helpless to act because the victim does not "want" their help.
  3. **When the home or parties are repeats, or**

The concern with this condition is the issue of escalation and the danger that escalation poses to the victim.

**4. When your gut tells you the situation is dangerous.**

When we say “gut” we mean a practitioner’s training, experience and instincts as a professional and as a human being. When the officer decides to administer the screen it is important to remember that it is not dictated by local/state statute, nor is there a threshold for probable cause, nor arrest.

**C. Lethality Screen Questions**

To initiate the Lethality Screen and corresponded LAP response protocol, the responding officer shall:

1. Advise the victim that she/he will be asked a series of questions to help the officer determine the immediate potential for danger to the victim.
2. Administer the Lethality Screen outside the presence, hearing and awareness of the abusive individual.
3. Ask the questions in the order they are listed, and in the manner they are written.
4. Ask all questions in assessing the victim. The more questions the victim responds to positively, the clearer and more immediate the potential for danger is to the victim.

**D. Assessing the Responses to the Lethality Questions**

After the responding officer asks the questions on the Lethality Screen, the information shall be handled as follows:

1. A single “yes” or positive response by the victim to questions #1, 2 or 3 signifies a high danger situation and automatically triggers the protocol referral.
2. If the victim gives negative responses to questions #1 – 3, but positive responses to four or more of questions #4 through 11, this also signifies a high danger situation and triggers the protocol referral.
3. “No” or negative responses, to all of the assessment questions, or positive responses to less than four of questions #4 through 11, may still trigger the referral if the investigating officer believes it is appropriate. Additionally, an officer thru the course of their contact may locate or the victim may disclose priors with additional persons that may lead the officer to feel that the referral is appropriate.

**E. Assessing the Responses to the Lethality Assessment Questions – Non High Danger**

If the victim is not assessed as “High Danger” after the Lethality Screen is completed, the officer shall:

1. Advise the victim that domestic violence is dangerous and sometimes fatal.
2. Inform the victim to be alert and watch for signs of danger. Ex. Studies show that when a gun is present in the home of a batterer a significant increase of that weapon being used to facilitate a crime increases approximately 500%.
3. Refer the victim to the YWCA or counseling section of the Domestic Violence Division. Provide the victim with both contact numbers.
4. Provide the victim with an Incident Response Card (including the incident number) and VINE Brochure, noting the telephone numbers for dispatch Refer and the Domestic Violence Division.
5. Notate in the narrative of MNPD form 100 whether or not the victim completed the Lethality Assessment screening process.

**F. High Danger Victims and the Hotline Call**

If a danger assessment is made or the officer believes it is appropriate, the referral will be implemented as follows:

1. Advise the victim that this situation indicates that the victim may be at an increased risk of danger, and that victim’s in similar situations have suffered serious injury or death.
2. Call the domestic violence hotline.
3. If the victim declines to speak with the hotline advocate, let the victim know you need to speak with the counselor to seek guidance, and ask the victim to reconsider. If the victim continues to refuse, the officer shall provide the same services they would perform for a victim when a referral is not made, including conveying information the advocate may have suggested, reviewing safety tips, and discussing the option of leaving the location if possible. Officers should call the hotline for every high-danger assessment, regardless of whether the victim initially declines to speak to the hotline advocate.
4. If the victim is hospitalized or is otherwise unable to complete the LAP the responding officer shall select the option on the LAP that indicates the victim did not answer any questions. The officer when completing the LAP shall select yes when asked “Is there anything else that worries you about your safety?” The officer needs to

explain in this section as well as the MNPd Form 100, narrative section that the victim was unable to answer due to hospitalization, etc. Additionally, the responding officer can advise the hospital ER staff that once the victim becomes coherent law enforcement can be requested to respond to complete the LAP and any additional investigative supplements. In the event of a Natural Disaster or some other rare occasion whereas the YWCA cannot be reached the responding officer will again select yes when asked "Is there anything else that worries you about the victim's safety?" The officer shall explain the circumstance surrounding this. For example: that due to the Nashville Flood or other Natural Disaster the YWCA was called, but were not able to answer the phone to administer the LAP protocol with the victim.

5. If the victim agrees to speak with a hotline advocate, the officer shall contact the YWCA hotline at 800-334-4628 and advise the advocate that the officer has completed a Lethality Assessment that indicates High Danger, and would like the advocate to speak with the victim. Departmental cell phones will be made available at the Precincts for officers to sign out. These phones are being utilized for the administering of the LAP questionnaire only. Sign out procedures will be handled in accordance to the individual Precinct Commander and established policy on equipment. Most notably the intent of these departmental issued phones is for the victims of a domestic violence call to correspond with the YWCA advocate.
6. During the conversation between the hotline advocate and the victim, the officer shall stay on the scene and allow the victim privacy while she/he speaks with the advocate; however, all parties need to remain within close proximity and visible to provide safety to all involved.
7. Once the hotline advocate and victim are finished, the hotline advocate will inform the victim to return the phone to the officer. The officer will again speak with the advocate for further instructions to conclude the call.
8. The officer shall provide reasonable assistance to the victim if help is requested, such as transporting the victim to a safe location/shelter.
9. It is important to reiterate that a Lethality Screen will be completed on all intimate partner relationships, thus the officer may respond to the same location and in doing so will complete multiple screens on the same victim.



10. Officers shall submit all completed Lethality Screen forms electronically to their supervisor by the end of their shift. These electronic submissions will automatically be assessed by the Domestic Violence Division, the Office of Family Safety, the District Attorney's Office, as well as, the YWCA.
11. In those rare cases where an electronic version absolutely cannot be submitted, a hard copy of the form shall to be completed and submitted to their supervisor for immediate approval. Once approved the completed and approved original needs to be sent to records. Additionally, a copy of the LAP needs to be emailed immediately to the Captain and Lieutenant of the Domestic Violence Division for subsequent forwarding to the previous mentioned LAP clients.
12. The Office of Family Safety will track the Lethality Screen Forms.

#### **15.50.080 Seizure of Weapons in Domestic Violence Incidents**

- A. Weapons involved in a criminal offense involving domestic violence are subject to seizure. The officer shall seize those weapons that are alleged to have been used by the abuser, or threatened to be used by the abuser in the commission of a crime. Additionally, respondents as well as those persons who have certain conditions of bond are often not allowed to possess a weapon.
- B. All laws regarding rules of evidence and search-and-seizure shall be followed in seizing and searching for any evidence, including weapons (including procuring search warrants when necessary). Examples include evidence and weapons seized during search incident to arrest, consensual searches, and items in plain view (Reference current policy on "Criminal Process").
- C. Applicable provisions concerning processing property and evidence shall be followed.

#### **15.50.090 Orders of Protection**

- A. Verification

The National Crime and Information Center Orders of Protection (NCIC OP) Division of the Davidson County Sheriff's Office (DCSO) is responsible for the administration, filing, and verification of orders of protection for Metropolitan Davidson County. This will include orders that were issued in another county and the "petitioner" resides in Davidson County. The following procedures are for officers to follow for the verification process:

The NCIC OP Division of the Davidson County Sheriff's Office will establish procedures to be followed to include, but not be limited to, the following:

1. A line of communication will be maintained between the MNPd, the Davidson County Sheriff's Office, and the court(s) regularly issuing orders of protection in order to ensure that they are received in a timely manner and that any problems or special procedures are attended to promptly.
2. All orders of protection and ex parte orders of protection will be logged and filed in the most feasible manner to ensure their security and to allow rapid verification, 24 hours a day, 7 days a week, by officers investigating incidents of domestic violence.
3. Law enforcement personnel can reach the NCIC OP Division of the Davidson County Sheriff's Office directly by radio or telephone. The requesting officer will need to have the respondent's and petitioner's name, the respondent's DOB, and if possible, a few of the respondent's physical identifiers.
4. If MNPd personnel respond to a domestic violence incident and are made aware of an existing ex parte order of protection that has not been served, he/she is required to make, or arrange for, the notice to the respondent. The DCSO NCIC OP Division can be contacted by phone or via radio transmission for immediate service of outstanding orders. However, if not already under arrest, the respondent cannot be detained.
5. If an ex parte order of protection has not been served, and the respondent is with the officer on the scene, the officer shall contact DCSO NCIC OP Division personnel to read the order to the respondent so that he/she can be put on notice. DCSO then has the responsibility to note the information on the order and deliver it to the respondent.
6. If it is not possible for the on-scene officer to have the respondent talk directly to the DCSO officer on the phone, the MNPd officer may still put the respondent on notice by advising them of the terms and conditions of the order, specifically what conduct is prohibited or required ("notice" means "actual knowledge," so the entire order should be read to the respondent if possible). The MNPd officer will then contact the NCIC OP Division of the Davidson County Sheriff's Office. It is then the procedure of the Davidson County Sheriff's Office to write on the order the name and employee

number of the officer making notice, and mark the order as "notified." MNPD officers shall also note this in the Incident Report.

7. If the investigating officer determines there has been a violation and is making an arrest on this violation, the officer will need to request that the DCSO NCIC OP Division fax the order of protection and the affidavit of service over to the booking office for presentation to the on-duty commissioner.

#### **B. Enforcement**

Any officer receiving information that an order of protection has been issued, and that the respondent may be in violation, will make an appropriate investigation and take such action as may be necessary in its enforcement.

1. Upon notice that an order of protection is in effect, the officer will verify its existence by contacting the DCSO NCIC OP Division. The officer will not rely on any purported copy of the order of protection that may be supplied. **The officer will rely only on information supplied by the Police Department, Sheriff's Office, or issuing court** and will document all attempts to confirm this information. The DCSO NCIC OP Division can access NCIC entries in regard to out-of-jurisdiction Orders of Protection.
2. In the case of an ex parte order, the officer will ensure that it has been served on the respondent or that the respondent has otherwise acquired actual knowledge of its existence before taking further action.

**NOTE:** To determine whether the respondent has actual knowledge of an ex parte order of protection, the officer may rely on the information written on the order itself. Consideration can also be given to another officer having made notification, an admission by the respondent as to his/her awareness of the order, or any other information that can reasonably be believed to be true.

3. If there is an order of protection, or an ex parte order of protection in existence, which has been served or the respondent has acquired actual knowledge of its existence, the investigating officer will make inquiry as to its contents.
  - a. If there is probable cause to believe that the respondent has violated the terms of the order and the violation occurred within Davidson County, the officer shall arrest the respondent, or assist with obtaining warrants if the respondent is not in

custody. An Incident Report and Domestic Violence Supplement shall also be completed.

- b. Upon arrival at Night Court the officer will obtain a faxed copy of the order of protection from the DCSO NCIC OP Division, make that copy available to the magistrate for review, and then state the probable cause for the arrest.
  - c. The officer shall also state the probable cause for any criminal violation that may have occurred.
  - d. Upon approval by the magistrate, the officer shall complete the appropriate forms(s) and warrant(s) and book the respondent according to established procedures.
4. If the victim is requesting to obtain an order of protection, the officer will offer transportation to the Night Court or to the Jean Crowe Advocacy Center located in the Ben West Building to obtain an ex parte order of protection.
  5. If the victim is requesting to obtain an order at a later time, the officer shall provide directions to the Night Court as well as the Jean Crowe Advocacy Center and indicate the proper procedure for obtaining the order at a later time.
  6. If the victim has additional issues that the officer is unable to resolve, the officer shall offer to provide transportation to the Domestic Violence Division office during operational hours, or give directions to the Domestic Violence Division office so that the victim may seek assistance at a later time. (Note: the Incident Report is usually necessary to aid the victim in follow-up and may not be immediately available after the report has been made).
  7. Officers may encounter situations where the petitioner has taken out an order of protection in another county or state. Officers will make every attempt to contact the appropriate law enforcement agency in that county to verify the order of protection and determine whether it has been served on the respondent or whether the respondent has acquired actual knowledge of the order of protection. The DCSO NCIC OP Division will assist with this by checking NCIC entries for out-of-jurisdiction orders of protection. If the order of protection can be verified, the officer will ask the law enforcement agency in that county to fax a copy of the order of protection to the Davidson County Sheriff's Office Booking Department. The officer will take the appropriate action as in cases of in-county orders of protection. If the order of protection cannot be verified, the officer will take a report on the alleged violation of

an order of protection and direct the complainant to contact the Domestic Violence Division for follow-up investigation. The officer shall document all attempts to verify the order of protection, especially if the suspect is on the scene and the order of protection cannot be verified. The officer will take all appropriate steps to ensure the safety of the victim.

8. The inability to verify the respondent's prior knowledge of the order of protection will not preclude the investigating officer from making a valid arrest for another offense for which there is probable cause to believe the respondent has committed.

### **15.50.100 Stalking**

Incidents of domestic violence often culminate into acts of stalking against the victim. As stated in TCA § 39-17-315:

"Stalking means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested"

- A. **"Course of conduct"** means a pattern of conduct composed of a series of two (2) or more separate noncontinuous acts evidencing a continuity of purpose;
- B. **"Emotional distress"** means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.
- C. **"Harassment"** means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact that would cause a reasonable person to suffer emotional distress, and that actually causes the victim to suffer emotional distress. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose.
- D. **"Unconsented contact"** means any contact with another person that is initiated or continued without that person's consent, or in disregard of that person's expressed desire that the contact be avoided or discontinued. Unconsented contact includes, but is not limited to, any of the following:
  1. Following or appearing within the sight of that person;
  2. Approaching or confronting that person in a public place or on private property;

3. Appearing at that person's workplace or residence;
4. Entering onto or remaining on property owned, leased, or occupied by that person;
5. Contacting that person by telephone;
6. Sending mail or electronic communications to that person; or
7. Placing an object on, or delivering an object to, property owned, leased, or occupied by that person.

E. **"Victim"** means an individual who is the target of a willful course of conduct involving repeated or continuing harassment.

**15.50.110 Procedure for Departmental Personnel Involved in Domestic Violence**

A. Procedure

1. The first responding officer(s) shall notify their immediate supervisor (who will either respond to the scene, or shall have another supervisor respond to the scene) and request that a Domestic Violence Division investigator be notified. A Domestic Violence Division investigator will respond to the scene and speak with the requesting officer;
2. The responding Domestic Violence Division investigator shall notify his/her supervisor as soon as possible after obtaining the facts;
3. Supervisory personnel of the Domestic Violence Division will contact, or confirm, that the investigator has contacted the Office of Professional Accountability or the on-call Office of Professional Accountability investigator as part of their standard notifications. If the employee is named as a suspect, immediate notification will also be made to the involved employee's chain of command up to and including the Deputy Chiefs of Police and Chief of Police;
4. In situations in which patrol has responded, the patrol supervisor shall facilitate notification of the involved employee's chain of command. (That responsibility shall also extend to cases involving employees of the DCSO and the Metro Park Police). In domestic situations in which patrol has NOT been called, notification of the involved employee's chain of command (including employees of the DCSO and the Metro Park Police) and the Office of Professional Accountability will be facilitated by the Domestic Violence Division supervisor.

Additionally, Domestic Violence Division personnel will make notifications to other law enforcement agencies in cases involving

out of jurisdiction law enforcement officers, Metro Fire Fighters, and others in the criminal justice system;

5. If an employee, (as a victim, mutual combatant and/or suspect), is involved in a domestic violence incident, the employee shall be required to report to the Behavior Health Services Division (See Article 2.80.040, B, Use of Police Advocacy Support Services-Mandatory Referral).
6. Supervisory personnel of the Domestic Violence Division will contact or confirm that the investigator has contacted the Behavioral Health Services Division manager, or designee, and has ~~faxed~~ emailed a copy of the the narrative or summary to that office. Any further actions between the BHSD and the involved employee(s) shall be the responsibility of the employee, the involved employee's chain of command, and the counseling staff of the BHSD;
7. The Domestic Violence Division supervisor will continue to be advised of circumstances surrounding the case and will make decisions regarding appropriate investigative protocol;
8. The Domestic Violence Division commander will make periodic reports to the Bureau Deputy Chief of the involved employee;
9. Upon completion of the Domestic Violence Division investigation, a discussion of the case will be conducted with the Assistant District Attorney. If the case is not to be prosecuted, the Assistant District Attorney in charge of the case will be asked to document in writing the decision to decline prosecution.

**B. Post Incident Administrative Decisions**

1. The department shall conduct separate parallel administrative and criminal investigations of alleged incidents of employee involved domestic violence in a manner that maintains the integrity of both investigations. Regardless of the outcome of the criminal case, the department shall make administrative findings and recommendations on employee involved domestic incidents. If the facts of the case indicate that domestic violence has occurred or any departmental policies have been violated, administrative action shall be taken independent of any criminal proceedings as soon as practical. The department will adhere to and observe all necessary protocols to ensure an accused employee's departmental and legal rights are upheld during the administrative and criminal investigation.

2. Administrative Investigations and Decisions:

- a. Where sufficient information and/or evidence exists that an employee has engaged in conduct as an aggressor in a domestic violence incident, the employee has exhibited behaviors and engaged in domestic related threatening or antagonistic behaviors that bring discredit to themselves, the Department, or the City, the employee's actions violate an Order of Protection, including Ex-Parte Orders of Protection, the department shall take immediate administrative ~~[decommission]~~ action against the accused employee that may include placement of the employee on administrative assignment or leave.
- b. In determining the proper course of administrative action, the department shall consider factors including the level of danger an employee poses as indicated by the outcome of an assessment of the employees actions, the employees history of compliance with departmental rules, prior written or verbal threats, history of aggressive behaviors, and existence of an alcohol or substance abuse problem.
- c. If any MNPd employee is convicted through criminal proceedings of a domestic violence crime, proceedings recommending termination will be initiated.
- d. Any violation of Department Policy related to domestic violence incidents, including conduct unbecoming an employee, will be considered an aggravating factor in internal disciplinary procedures.

Federal law prohibits anyone convicted of a misdemeanor domestic violence crime from possessing firearms. The department shall ensure compliance with federal law.

*(Offense Category varies by severity of violation, to include Category AA)*

C. Mandatory Reporting

1. If any employee of the MNPd has knowledge of a domestic violence situation involving another employee of the MNPd, the employee with the information shall report it to his/her immediate supervisor, who shall forward it through the chain of command.
2. The domestic violence incident shall be reported through the chain of command to the bureau deputy chief of the involved employee.



The bureau deputy chief shall then inform the commander of the Domestic Violence Division, who shall initiate a formal investigation.

**15.50.120 Request for Removal of Belongings**

- A. At the scene of a domestic disturbance call, patrol and/or Domestic Violence Division investigators shall stand by if one of the parties at the scene requests to take emergency personal items before going to a safe place, a shelter, or another location. The purpose for officer presence during this time is to prevent a violation of law. An officer(s) shall not make a determination as to ownership of property. Officers shall not make a determination as to which items should or should not be removed.
- B. Officers shall exercise caution when being requested to escort a subject to a location for the purpose of retrieving or removing belongings or meeting a subject at a location for the same purpose. Possession of items and decisions regarding ownership of various items are civil matters. Subjects wanting to gain custody of belongings no longer in their possession should be directed to consult with the appropriate persons or agencies; i.e., attorneys, civil court, etc.
- C. Lastly, Officers shall be mindful of the specific contact guidelines as it relates to one of the parties requesting assistance also being named as a respondent in an ex-parte, order of protection, etc.

**15.50.130 Family Intervention Program (FIP)**

- A. The Mission of the Family Intervention Program: Domestic Violence Counseling Section function is to provide counseling, advocacy, outreach, and community education to victims of domestic violence, free of charge. The Counseling Section recognizes that when a domestic crime occurs, the entire family may be affected. Therefore, other non-perpetrating family members may also be entitled to our services.
- B. The Mission of the Family Intervention Program: Victim Intervention Program (VIP) is to provide mental health services and criminal justice system advocacy whenever individuals, families and/or the community are affected by violent crime.

**15.50.140 Adverse Childhood Experiences and Handle with Care**

- A. Adverse Childhood Experiences (ACE's Study)

A recent national survey of the incidence and prevalence of children's exposure to violence and trauma revealed that 60% of American

children have been exposed to violence, crime or abuse. Forty percent were direct victims of two or more violent acts. Prolonged exposure to violence and trauma can seriously undermine children's ability to focus, behave appropriately, and learn in school. It often leads to school failure, truancy, suspension or expulsion, dropping out, or involvement in the juvenile justice system. Because of this adverse impact and the ability to intercede as early as possible the Handle With Care program was implemented.

**B. Handle With Care**

1. Handle With Care ("HWC") programs promote safe and supportive homes, schools and communities that *protect* children, and help traumatized children *heal* and *thrive*. HWC promotes school-community partnerships aimed at ensuring that children who are exposed to trauma in their home, school or community receive appropriate interventions to help them achieve academically at their highest levels despite whatever traumatic circumstances they may have endured. The ultimate goal of HWC is to help students to succeed in school. Regardless of the source of trauma, the common thread for effective intervention is the school. Research now shows that trauma can undermine children's ability to learn, form relationships, and function appropriately in the classroom. HWC programs support children exposed to trauma and violence through improved communication and collaboration between law enforcement, schools and mental health providers, and connects families, schools and communities to mental health services.
2. If a law enforcement officer encounters a child during a police call for service, that child's name and three words, HANDLE WITH CARE, are forwarded to the school via secured email before the school bell rings the next day. The school implements individual, class and whole school trauma-sensitive curricula so that traumatized children are "Handled With Care". If a child needs more intervention, on-site trauma-focused mental healthcare is available at the school. Because of the importance of Handle with Care officers have received documented roll call training on the vital importance of listing the pertinent school information for each child at the residence whether they actually witnessed the original police call for service or were in an adjoining room. It is important to list the information on children who were in the area whether they witnessed the act or not. Children can be impacted by the sounds that they hear and though an adult may report the child did not witness the act that may be false information or the child may lie out of fear.

**15.50.150 Vulnerable Adult Protective Investigative Team (VAPIT)**

Establishes a protocol and implementation for the Vulnerable Adult Protective Investigative Team (VAPIT) as it relates to the Domestic Violence Division. The role of the team is to conduct elderly and vulnerable adult protective investigations of reported abuse (including physical, sexual, and emotional), neglect, and financial exploitation of elderly and vulnerable adults. TCA 71-6-125 defines the purpose of VAPIT as coordinating the investigation of suspected instances of abuse, neglect, and/or financial exploitation of elderly and vulnerable adults and receive and review information generated by the multi-disciplinary adult protective services evaluation teams, as defined by TCA 71-1-110.

**15.50.160 Review of Policy**

The Chief of Police, or his/her designee, and the Commander of the Domestic Violence Division, shall ensure the review of this policy as needed and make any revisions deemed necessary.

## **15.60 Missing Person Incidents**

### **15.60.010 Definitions**

- A. **Catastrophe Situations:** the person is missing and presumed injured, killed or displaced as the result of a catastrophic event (i.e., flood, violent storm, earthquake, aircraft crash, hazardous materials incident, etc.)
- B. **Disability Situations:** situations which will endanger the person or public if the person is not located (i.e., persons requiring medication, Alzheimer's Disease patients, psychiatric facility patients, etc.)
- C. **Endangered Situations:** the person is missing and presumed endangered (i.e., weather, voluntary involvement in an activity, overdue travelers, etc.)
- D. **Involuntary Situations:** the person is missing and presumed endangered as the victim of a crime (i.e., kidnapping/abduction or custodial interference statutes).
- E. **Juvenile Situations:** the missing person is an unemancipated minor and the incident is not attributable to any reason listed above.
- F. **Missing Person:** a person whose whereabouts are unknown by close family members, friends, or associates and whose safety and welfare cannot be confirmed.

### **15.60.020 Reporting and Investigative Provisions**

#### **A. Initial Response**

When an employee receives information that a person is missing, he/she will initiate a preliminary investigation without undue delay.

#### **B. Investigation and Report**

1. When the employee determines that the person is in fact a missing person, he/she shall complete MNPD Form 100, Offense Report. The report shall be complete and thorough with respect to all identifying data and attendant circumstances.
2. The reporting employee will attempt to confirm that the missing person has not been arrested or hospitalized. When applicable, this may be accomplished by requesting the Emergency

Communications Center or other available personnel's assistance in contacting the following:

- a. Davidson County Sheriff's Office; or
  - b. Other counties sheriff's' departments; or
  - c. Juvenile Detention Center; or
  - d. Area medical facilities; or
  - e. Nashville Fire Department Medical Communications; or
  - f. Others, as may be required.
3. The reporting employee **shall** secure a signature from the reporting party in the appropriate block of the offense report. The purpose of this signature is to help assure the missing person's right to privacy. This signature is required before the individual may be entered into NCIC per system regulations. The signature is also confirmation by the reporting party of the veracity of the information contained in the report.
4. The reporting party shall be advised to contact the department if additional information becomes available.
5. When any initial attempts to locate a missing person are unsuccessful, the reporting employee will provide all applicable information to the Emergency Communications Center. This information will be broadcast to all departmental units. The employee shall consult with his/her supervisor to determine the course of action that may be needed to locate the person (including the decision to initiate a search).
6. The reporting employee will then request the response of the appropriate support (i.e. aviation, canine, patrol) and investigative elements, pursuant to existing practice or call-out policy. Generally, if the preliminary investigation indicates:
  - a. The missing person is a child twelve years of age or younger; or, the child is medically drug dependent; or, there is some apparent risk or adverse conditions, request a Youth Services Division investigator. If the child is thirteen to seventeen years of age and no unusual circumstances exist, forward the offense report with all supplements to the Records Division or,
  - b. If the missing person is an adult and included in any other category, request a Homicide Unit investigator.
7. Any officer who completes a supplemental investigation report involving the locating of a missing person entered by this

department in the NCIC system shall promptly forward the supplement information to the Records Division for the implementation of the NCIC removal procedure.

#### **15.60.030 Search Provisions**

When a search is warranted by the circumstances of the incident, the Law Enforcement Incident Command System shall be used to manage the search efforts. The procedures defined in current departmental policy on incident command shall be complied with.

#### **15.60.040 Follow-Up Investigation Provisions**

- A. When the investigator of the appropriate element is notified of the incident, and available manpower exists, he/she shall go to the location of the incident and assume responsibility for the investigative aspects of the incident. In incidents where the investigator is unable to go to the location immediately, he/she shall advise the requesting employee and lend instruction until such time as a response can be made.
- B. In any event, if, after three hours from the time the initial report is made, no substantial progress has been made in locating a missing person; the report will be taken directly to the Records Division and processed immediately, in accordance with established procedures. At that time, the on-duty Records Division supervisor will cause applicable information to be entered into law enforcement communications systems used by the department (i.e., teletype, NCIC, Missing Persons Network, etc.), so that other law enforcement agencies will be notified of the missing person. A copy of such communications, as well as any subsequent updated communications, will be forwarded by the Records Division to the appropriate investigative element there and included in the case file with other reports.

**NOTE:** See Juvenile-specific provisions, 15.60.060.

- C. If, after five days a missing person is not located, the investigating officer will present all facts to their supervisor for review and possible redirection. The case supervisor will be responsible for seeing that this is done. When any additional information or material is obtained, MNPD Form 104, Supplement Report will be completed and made a part of the case file.
- D. If, after an additional ten days the person has still not been located, the original sources of information will be contacted again, so as to assure that the case file and outstanding communications regarding the case are kept current. For as long as the person remains missing, the same

procedure will be repeated every thirty days thereafter, or if deemed necessary, more frequently.

- E. When any located person has sustained an injury requiring immediate medical treatment, established emergency medical procedure will be observed. However, when such injury does not require immediate attention, any medical treatment will be provided at the discretion and expense of the person, or if applicable, the institution, taking custody of the person. In either instance, injuries sustained by missing persons will be documented in departmental reports.
- F. When possible, employees should cooperate fully in keeping next-of-kin updated on any changes in the investigation, and assist if the next-of-kin are conducting an independent investigation.

#### **15.60.050 Adult Missing Person – Specific Provisions**

- A. When a person reported missing is an adult, and is not missing under any of the conditions provided in 15.60.010, Sections A - D., discretion should be used in making a missing person report. By law, an adult is afforded the right to privacy, freedom of movement and association, and any attempt to locate such person must be made with caution so as not to violate those rights. However, this should not limit any attempt to locate a suspected missing person.
- B. Should such person be reported missing, for whatever reason, and none of the aforementioned conditions are applicable, and the person is not wanted in connection with a crime investigation, when he/she is located he/she should not be detained. Information regarding his/her whereabouts will not be disclosed without his/her permission, other than the fact that he/she has been located and his/her safety and welfare confirmed.
- C. If the person located has been reported missing under one or more of the conditions specified in 15.60.010(B)., he/she may be detained pending further disposition warranted by the circumstances.
- D. A located adult who has simply become lost, or who is reported as being mentally retarded or disabled, and there is no indication that their absence or disappearance occurred under circumstances which require further investigation or authoritative action, generally will be returned to the location where they reside, or are institutionalized, and remanded to the custody of the person who reported them missing, or if applicable, an authorized representative of the institution.

- E. When a person is located they will be afforded applicable consideration and treatment, and returned without undue delay.

**15.60.060 Juvenile Specific Provisions**

- A. By law, when a juvenile voluntarily leaves home without consent of a parent or guardian, or is absent without proper leave from a juvenile institution, he/she is considered a juvenile runaway and will be reported as a missing person. Upon receiving reports of a juvenile runaway, the assigned investigator from the Youth Services Division will inform the parent, guardian, or custodian to file a petition at Juvenile Court if not already done.
- B. In those incidents where it can be reasonably determined that a missing juvenile, age twelve or above, has left voluntarily (runaway) and the incident is not attributable to any reason listed in 15.60.010, sections A - D, a search can be terminated prior to the three hours mentioned in 15.60.020(B), if all reasonable investigative leads have been checked and no substantial progress has been made in locating the juvenile.
- C. When a reporting officer's preliminary investigation to locate a missing/runaway juvenile is unsuccessful, and the circumstances surrounding the incident do not require an immediate follow-up by investigative personnel as detailed in 15.60.020(B)(6)(a), the reporting officer must initiate the juvenile's entry into the National Crime Information Center by calling the Emergency Communications Center by telephone. Emergency Communications Center personnel will receive the information from the reporting officer as a temporary "pickup" and will request additional information required for NCIC entry. The Emergency Communications Center will then transmit the information by computer to the Records Division, NCIC Unit, and the Youth Services Division. The Youth Services Division will be responsible for entries into NCIC Monday through Friday from 0800hrs. to 1500hrs., except holidays. The Records Division will be responsible for entries from 1500hrs. to 0800hrs., Monday through Friday and all entries on Saturdays, Sundays, and holidays.
- D. A located juvenile runaway will be remanded to the custody of the Juvenile Detention Center, there to be processed and detained, as provided by authority of the Juvenile Court.
- E. A located juvenile who has simply become lost, or who is reported as being mentally retarded or disabled, and there is no indication that his absence or disappearance occurred under circumstances which require further investigation or authoritative action, will be returned to



the location where he resides, or is institutionalized, and remanded to the custody of the person who reported him missing, or if applicable, an authorized representative of the institution.

- F. When a juvenile is located, they will be afforded applicable consideration and treatment and returned without undue delay.
- G. An emancipated juvenile shall be considered an adult under the provisions of this order.

## **15.70 Task Forces**

### **15.70.010 General Provisions**

- A. For the purposes of this policy, assignments to task forces shall be considered a “specialized assignment”. A list of current specialized task force assignments is contained in 15.70.050.

### **15.70.020 Task Force Participation**

- A. Personnel may participate in specialized assignments with one or more law enforcement agencies as a member of an investigative or enforcement task force dealing with major crimes, organized crime, intelligence activities, targeted offenders, geographical areas, or other matters deemed necessary by the Chief of Police.
- B. All MNPDP employees assigned to a task force shall adhere to the policies and procedures of the task force. Failure to adhere to these policies and procedures shall be grounds for dismissal from the task force and may constitute a violation of this policy. MNPDP employees assigned to a task force shall also remain subject to the policies, procedures, rules and regulations of the MNPDP. Any conflict between task force policies and procedures and those of the MNPDP shall be resolved by the task force supervisor and the Chief of Police, or designee
- C. Prior to any such assignment, the Chief of Police or his/her designee, will develop a written agreement with the other agencies involved. The agreement will define, explain, clarify, and identify the purpose, authority, responsibilities, accountability, resources available, operational procedures, and evaluation of activity results.
- D. The agreement will designate which entity will be in charge of a multi-agency task force and each department’s responsibility will be included in the written agreement. Prior to assignment the task force participants will be thoroughly briefed on all aspects of the agreement and how it relates to the task force operation.
- E. Personnel assigned to serve in task force positions shall be for a time period not to exceed forty-eight (48) months. Assignments may be extended by the Chief of Police or designee, if circumstances necessitate. By rotating personnel on a regular basis, the opportunity to serve on a task force is provided to a greater number of MNPDP personnel.

- F. Such assignments shall be made utilizing agency wide selection criteria outlined in the current written directive governing the transfer and selection process. The development of an annual formalized review of all specialized assignments should help avoid overspecialization within the agency and ensure effective allocation of departmental personnel.

#### **15.70.030 Investigative Task Forces**

- A. An Investigative Task Force may be established when normal resources are unable to cope with the problem. The decision to establish an investigative task force must be approved by the Chief of Police or his/her designee.
- B. Once the decision to form a task force has been made, a task force commander will be appointed. The task force commander will be of the rank of lieutenant or higher, depending on the scope of the investigation, and will be responsible for identifying the purpose of the task force, establishing accountability for all facets of the operation, including identifying available resources, and for briefing the Chief of Police or his/her designee on the progress of the task force.
- C. An after-action report will be completed quarterly and forwarded to the Chief of Police or his/her designee detailing expenditures, man-hours used, and arrests made as a result of the operation completed.

#### **15.70.040 Annual Evaluations**

- A. Annually, the commander of each MNP unit participating in any formal, long term, and/or multi-jurisdictional task force(s) shall provide a written evaluation of each task force to include:
  - 1. The purpose of the task force assignment to include the initial problem or condition that required the implementation of the task force assignment;
  - 2. A predetermined measure of success utilizing stated goals and or objectives;
  - 3. A detailed and documented account of the task force(s) activities; and
  - 4. An examination of the resulting benefits and the need for continued operation(s).

- B. Annual evaluations shall be submitted through the reporting MNP Unit's chain of command to the Chief of Police. Copies of annual evaluations shall be forwarded to the Strategic Development Division, Crime Analysis Unit.

**15.70.050 Current Specialized Task Forces**

This article contains the current specialized task forces within the Metropolitan Nashville Police Department. This article, at no time, shall preclude the Chief of Police from creating any additional task force(s) or dissolving current task forces as determined by the MNP.

Current specialized task forces:

- A. Alcohol, Tobacco, and Firearms Task Force
- B. Drug Enforcement Administration Task Force
- C. United States Marshal/Fugitive Task Force
- D. Federal Bureau of Investigation Task Force

## **15.80 Receiving, Processing, and Investigating Vice, Drug, and Organized Crime Complaints**

### **15.80.010 Receiving and Processing Complaints**

#### **A. Telephone Complaints**

Employees receiving vice, drug or organized crime complaints by telephone will:

1. Ascertain from the caller the type of information;
2. The call taker shall document the complaint on a MNPDP Form 332, Vice/Organized Crime Complaint Form. If the caller refuses to be identified or refuses to provide all the information required by the MNPDP Form 332, the employee will record information the caller will supply and document in the narrative portion of the report the reason for the incomplete report; and
3. If an MNPDP Form 332 is completed, the form will be reviewed by the employee's supervisor and forwarded to the appropriate investigative division.

#### **B. Other Complaints**

Complaints made in-person or through other methods shall be documented on an MNPDP Form 332, Vice/Organized Crime Complaint Form. If the complaining individual refuses to be identified, the employee shall record the information the complainant will provide.

This report shall be reviewed by the employee's supervisor and forwarded to the appropriate investigative unit consistent with the current reporting procedures of the Metropolitan Police Department.

### **15.80.020 Investigating Complaints**

The appropriate component shall assign and investigate vice, drug or organized crime complaints consistent with the standard operating procedures of the division. Each complaint assigned to an investigator shall be investigated to determine the validity of the information or if the information might be related to any existing case files and, in either case, take any necessary follow-up action. The investigator shall document all actions taken regarding the complaint in a manner consistent with the reporting requirements of the division and the Metropolitan Police Department.

### **15.80.030 Maintenance of Complaints**

Vice and drug activity complaints received from telephone calls, Incident Reports, and other methods of communication shall be securely filed and maintained in the appropriate component and separate from central records. Complaints relating to organized crime shall be maintained in the appropriate component and separate from central records.

Maintenance shall also include related information received from outside agencies. Specific procedures regarding the maintenance of complaints shall be established by the appropriate component commanders, and described in component's respective standard operating procedure manual.

### **15.80.040 Conveying Complaint Information to Outside Agencies**

Before any information relating to vice, drug or organized crime activity is conveyed to an outside agency, written approval must be obtained from the appropriate component commander. The personnel conveying such information to an outside agency shall document doing so in the appropriate case file.

## **15.90 Handling of Informants and Cooperating Individuals**

### **15.90.010 Purpose**

The purpose of this order is to set forth guidelines for the handling of informants and cooperating individuals that will enable the department to gain the maximum benefit from their use while maintaining the department's integrity. The department's objectives in the handling, documentation, and compensation of informants throughout the department are as follows:

- A. To protect the integrity of the department and the individual officers who use confidential informants and cooperating individuals;
- B. To allow all Metropolitan Police Department officers access to information available from informants and cooperating individuals concerning their investigations;
- C. To ensure the confidentiality of the informant and cooperating individual;
- D. To protect the relationship between individual officers and informants or cooperating individuals; and
- E. To ensure accountability and consistency in police officer conduct when dealing with informants and cooperating individuals and disbursing payments to them.

### **15.90.020 Definitions**

- A. **Informant:** A person who provides the department with information about criminal investigations. This includes any individual whose identity is known to the officer and who is sent by the officer to Crime Stoppers to receive payment.
- B. **Cooperating Individual:** An ordinary citizen with no criminal history or background, who provides information or assistance of investigative significance to employees of the Metropolitan Police Department.
- C. **Confidential:** Keeping secret the identity of an Informant/Cooperating Individual, from whom information and/or investigative assistance is received.
- D. **Informant File:** A confidential informant's record, consisting of a folder containing a photograph of the informant, MNPd Form 336, Cooperating Individual Interview Form, an activity report, any

agreements made with the informant, arrest records, incident reports, and other information about the informant. Each informant and their informant file shall be assigned a code name and the file will be maintained by the appropriate component commander or their designee.

- E. **Special Operative:** An Informant/Cooperating Individual, acting at the direction, request, or encouragement of an employee of the Metropolitan Police Department.

### **15.90.030 Departmental Informant Files & Forms**

A. Components Authorized to Maintain Confidential Informant Files

Confidential Informant Files are to be maintained only by the commanders of the Criminal Intelligence Division, Criminal Investigations Division, Youth Services Division, and Vice Division. Each Confidential Informant File actively used by an authorized component shall be maintained under the control and authority of the appropriate component commander. All Confidential Informant Files dealing with drug investigations shall be maintained under the control of the Vice Division commander.

The following procedures will apply to the handling of the Confidential File:

1. An officer will complete MNPDP Form 336, Cooperating Individual Interview Form, and forward the original and any other relevant information to the appropriate component commander or their designee.
2. Upon receipt of the Cooperating Individual Interview Form, the component commander shall review the document for its completeness and accuracy. He/she will prepare a confidential file or packet for the informant named on the form.
3. In addition to maintaining a list of all confidential informants used by their respective component, each commander, or his/her designee, will periodically review the status of Confidential Informant Files to determine if any should be purged (see 15.90.070).
4. These files will be considered highly confidential and will be kept under lock and key by the component commander or his/her designee. No information is to be released without the approval of the component commander. Each file consists of separate and distinct sections, as described below:



General Information - This section shall be maintained in a systematic fashion, and shall contain the following:

- a. Informant Documentation - MNPD Form 336, Informant/Cooperating Individual Interview Report, a current photograph, a code name, and the informant's fingerprint;
- b. Background Information - A complete criminal history, and copies of any offense or arrest reports that name the informant as a suspect or victim;
- c. All other pertinent documents, such as a Required Financial Accountability Form, or any agreement related to the payment of money to the Informant/C.I.; and
- d. A brief synopsis of the case.

Employees of the Metropolitan Police Department will use the above criteria to document all Informants/C.I.'s prior to their being used as special operatives. A file shall be maintained regarding each Informant/C.I. who becomes a Special Operative.

#### B. Juvenile Confidential Informant File

The Youth Services Division is authorized to maintain confidential informant files and required to maintain Juvenile Confidential Informant Files separate from Adult Confidential Informant Files. All informants under the age of eighteen (18) years shall meet the guidelines of T.C.A. 39-15-413 (see 15.100.040(C)(10)). The letter "J" shall be attached to any index number of the file to distinguish juvenile confidential records from adult records.

#### C. Access to Divisional Confidential Informant Files

If an investigator needs information to help them conduct a particular investigation, they may contact the appropriate component commander to determine whether or not there are any informants who may have or may be able to obtain information about the crime under investigation.

If an officer in the Community Services Bureau needs to request information from the Confidential Informant Files, he/she must obtain approval from his/her immediate supervisor before the request is made.

**15.90.040 Developing and Using Confidential Informants and/or Cooperating Individuals**

A. Developing Informants/C.I.'s

To protect the integrity of the department and individual officers, extreme care must be taken when dealing with individuals who have been apprehended violating laws. Often persons who are about to be arrested will promise to cooperate by providing information for better treatment, and/or little or no prosecution. Careful attention must be used when developing these individuals as informants to ensure all legal and department guidelines are followed.

B. Guidelines for Using Non-Arrested Informants/Confidential Informants

1. Misdemeanor Charges

In misdemeanor cases if the decision is made not to arrest the person immediately, the officer shall get approval from his/her supervisor, shall report and document the action, and discuss the results of any assistance the non-arrested informant gave with the District Attorney General's Office as soon as practical. The officer shall make sure that the District Attorney's Office is notified before any case in which the informant is involved comes to court in General Sessions or any presentment is made to the Grand Jury.

2. Felony Charges

The decision not to arrest or defer prosecution of individuals for felony violations in exchange for cooperation and/or information **must** have the prior approval, preferably in writing, of a member of the District Attorney's Office. The approval will be documented as to date, time, and the member of the District Attorney's Office making the approval, then placed in the case file. This policy will be followed except for the ensuing guidelines previously approved by the District Attorney's Office involving drug investigations:

- a. The decision not to arrest individuals in violation of T.C.A. 39-17-417 (a-h) (e.g. up to 26 grams of cocaine, 14.175 grams up to 70 pounds of marijuana) in exchange for cooperation and/or information **must** be approved by the officer's supervisor. Prosecution must commence by warrant or indictment within six (6) months unless written approval to defer prosecution is obtained from the District Attorney, a Deputy District Attorney, or the Assistant District Attorney in charge of the Twentieth Judicial Drug Task Force.

- b. The decision not to arrest individuals in violation of T.C.A. 39-17-417 (i) (e.g. 26 to 300 grams of cocaine, 70 pounds, one ounce to 700 pounds of marijuana) in exchange for cooperation and/or information **must** be approved by the officer's supervisor and notification must be made to the District Attorney's Office as soon as practical. Notification is made by sending a copy of the case file, criminal history, search warrant, seizure forms, etc. to the Deputy District Attorney designated as liaison with the Metropolitan Police Department, Vice Division. Prosecution must commence within six (6) months unless written approval to defer prosecution is obtained from the District Attorney, or a Deputy District Attorney.
  - c. The decision not to arrest individuals in violation of T.C.A. 39-17-417 (j) (e.g. more than 300 grams of cocaine, more than 700 pounds of marijuana) in exchange for cooperation and/or information **must** be approved by the officer's supervisor. Written approval **must** also be obtained from the District Attorney, or a Deputy District Attorney. Oral notification must be made by the next working day. A copy of the case file, criminal history, search warrant, seizure forms, etc. must be provided before written approval can be obtained.
  - d. Regardless of (a) through (c) above, if there are co-defendants, a decision not to arrest one co-defendant in violation of T.C.A. 39-17-417 in exchange for cooperation and/or information, but to arrest other co-defendant(s) **must** be approved by the officer's supervisor. Written approval **must** also be obtained from the District Attorney, or a Deputy District Attorney within five (5) working days.
3. An officer developing, working with, and using Informants/C.I.'s must **NEVER** promise the Informant/C.I. anything concerning any criminal prosecution or return of vehicles or property. It is not improper, however, for the officer to advise that he/she will make their cooperation and assistance known to the District Attorney's Office. There must be no discussions or negotiations with Informants/C.I.'s concerning payments or contributions to any fund (Drug Fund, Felony Forfeiture Fund, etc.) for either not placing or reducing any criminal charges. Any officer developing Informants/C.I.'s shall advise them early in the relationship that they will probably be required, sometime during the course of the case, to testify in court.

C. Use of Confidential Informants and/or Cooperating Individuals

1. The presence of an Informant/C.I. in or around departmental facilities is discouraged and should be strictly controlled.
2. All contacts with an Informant/C.I. will be in an official capacity.
3. No officer will meet any Informant/ C.I. at the officer's residence or the residence of any department employee.
4. No relationship will be developed with any Informant/C.I. which is, or may be construed by continuing circumstances, to be "social" or anything other than strictly business in nature.
5. Informants/C.I.'s will not be a party to information concerning investigations conducted by this or any other agency or any information derived as a result of any such investigation.
6. Informants/C.I.'s will not be allowed to meet or view any undercover officers or any other members of the department in their capacity as an Informant/C.I., other than those designated for such purposes on a case-by-case basis.
7. No Informant/C.I. will be allowed to knowingly meet or view any other Informant/C.I. working for this or any other agency, under circumstances which could conceivably disclose either one's status, except for a specified law enforcement purpose.
8. All phone conversations and personal contacts with Informants/C.I.'s are to be conducted as if they were being audio or video recorded. Contacts with Informants/C.I.'s should be witnessed by another officer.
9. No contact will be made with a terminated Informant/C.I. without the express permission of the officer's component commander.
10. No person under the age of eighteen (18) years will be used as an Informant/C.I. in any capacity without compliance with T.C.A. 39-15-413 and all applicable rules of the Davidson County Juvenile Court regarding the use of children in law enforcement. This includes the **WRITTEN CONSENT** of the juvenile's parents or legal guardian, and the **WRITTEN CONSENT** of Juvenile Court. MNPD Form 294, Consent For Juvenile To Work With Metro Police will be completed and signed by a parent or legal guardian and placed in the juvenile's informant file.

11. The use of the polygraph to verify information supplied by an Informant/C.I. that cannot be corroborated by other sources, such as surveillance and/or intelligence reports, may be required in some cases.
12. Informants/C.I.'s should be searched during each contact. A search of the Informant/C.I. during contacts is to insure compliance with the Special Operative Agreement for Informant/C.I.'s. Failure to submit to a search will result in the **immediate** termination of the use of said Informant/C.I.
13. Criminal activity by Informants/C.I.'s will not be condoned.

D. Use of Informants/Cooperating Individuals as Special Operatives

A review of the Informant/C.I. file, background investigation, and personal interview of the Informant/C.I. will be conducted before using the Informant/C.I. as a Special Operative. The approval by a supervisor will be documented in the file by the signing of MNPDP Form 336, Informant/C.I. Interview Form. The use of Informants/C.I.'s as operatives actually purchasing or otherwise involved in transactions concerning drugs or other contraband will be subject to the following controls when the handling of drugs, contraband or other evidence by the Special Operative is necessary.

1. The completion of all documentation and other enumerated requirements concerning conduct and required testimony.
2. A thorough search of the Special Operative, his/her automobile, if used, and passengers, if any, will be made. This search will be conducted by the case officer or a designee prior to any purchase or meeting between the Informant/C.I. and the subject of an investigation. The search will be primarily for drugs and weapons, but any evidence of unlawful activity will be noted and the appropriate action (arrest, citation, etc.) taken.
3. Continued surveillance of the Special Operative to, from, and during the transaction or meeting.
4. A thorough search of the Special Operative, his/her vehicle, and passengers after delivery of evidence to the case officer.
5. A complete debriefing, to include a complete written report concerning the circumstances of the transaction.

6. The use of electronic and/or video surveillance, if appropriate, requires signed consent. MNPDP Form 338, Consent for Audio/Video Intercept, shall be signed by the Special Operative. The case officer will be responsible for verifying an Audio/Video Intercept Form is signed, or a Consent for Audio/Video Intercept is on file.

E. Payments to Informants/C.I.'s

The Investigative Services Bureau Chief and the Vice Division Commander shall have sole authorization for the distribution of moneys from the Investigative and/or Drug Fund. Due to varying circumstances, involved in each case, the amount of payment will be determined on a-case-by case basis. Factors to be given consideration should include: quality of the information, the quantity of drugs or contraband seized, the willingness or likelihood that the informant will have to testify in court, the ease of handling the informant, etc.

The following guidelines shall be followed when moneys from the Investigative or Drug Fund are utilized:

1. All requests for disbursements shall be made as soon as the officer determines money from the Investigative or Drug Fund will be required.
2. Personnel who must use investigative or drug funds will obtain such money from the component administrator or supervisor authorized to distribute such funds. To procure such money, personnel must complete MNPDP Form 331, Receipt For Currency Used To Purchase Information, adhering to the following:
  - a. The completed voucher form should include all details available;
  - b. A complaint number, if available, will be placed on the voucher;
  - c. If a confidential informant will receive these moneys, the informant's name or code name will be placed on the form;
  - d. The informant will sign the voucher receipt for moneys given to him/her;
  - e. MNPDP Form 331 will be signed by the officer dispersing the money, and by the component commander or his/her designee;
  - f. At the conclusion of the investigation, or when requested by the Investigative Services Bureau Chief or the Vice Division

Commander, the officer using the investigative or drug funds will specify in writing the exact nature of the expenditure, any enforcement action taken as a result of the expenditure, and forward the document to the Investigative Services Bureau Chief or the Vice Division Commander;

- g. All requests for money in the amount of two thousand five hundred dollars (\$2,500.00) or more will require the approval of the Investigative Services Bureau Chief or his/her designee;
- h. Any money to be given to any informant must have the approval of the officer's supervisor; and
- i. Under no circumstances will "front money", or payment prior to information being delivered, be provided to an informant while conducting an investigation.

The Investigative Services Bureau Chief and the Vice Division Commander will have their investigative funds accounts balanced on a monthly basis. A report of this audit will be provided to the Chief of Police for his/her retention.

#### **15.90.050 Termination of the Use of an Informant/Cooperating Individual**

The following circumstances concerning an Informant/C.I. will be brought to the attention of the officer's component commander immediately upon their occurrence; followed by written documentation. Such occurrences will be considered in any decisions to terminate the use of the Informant/C.I.

- A. Repeated failures to keep appointments, return telephone calls, or follow through on legitimate requirements affecting the outcome of an investigation. The number, nature, and seriousness of each infraction will be considered.
- B. Violation of any portion of the Special Operative Agreement.
- C. The discovery of lies or any misrepresentation of fact by the Informant /C.I.
- D. Failure to follow instructions of case officers.
- E. Any other incident, circumstance or information which causes concern or alarm with respect to the actions of the Informant/C.I.

- F. Upon the termination of an Informant/C.I.'s services, a memorandum detailing the reasons for termination will be placed in the informant/C.I.'s file. To prevent a terminated Informant/C.I. from manipulating the department, a copy of the termination memorandum may be sent to all component commanders in charge of component informant files.

#### **15.90.060 Exigent Circumstances**

The policy on Informant/C.I.s will be strictly followed except under the following conditions:

- A. If exigent circumstances exist and it is in the best interest of the Metropolitan Police Department, the officer's division commander may grant an emergency variance and justify the same in writing, to be placed in the Informant/C.I.'s file.
- B. Examples:
  - 1. The potential Informant/C.I. is currently documented by another law enforcement agency and this can be verified; or
  - 2. The value of the information the Informant/C.I. gives becomes apparent during an ongoing investigation and time is of the essence for furtherance of an investigation.

#### **15.90.070 Purging Confidential Informant Files**

Once a year each authorized component commander or his/her designee will review all information contained in each of their component confidential informant files in order to determine if any files should be purged.

Information contained in these files can be purged at the discretion of the component commander if after a review of the file documents indicate that no informant contacts have been made during the last five years. In addition to the time limitation, other factors can be considered: the nature of the offense(s) with which the confidential informant is associated, whether the confidential informant has an extensive criminal record on file and whether the information in the person's informant file could be used in the future by either the department or an outside agency.

Information contained in these files can be purged after verification that the informant is deceased.

After the authorized component commander has agreed to the purging of the material contained in those Confidential Informant Files meeting the criteria described above, he/she will purge the confidential informant's files



by mechanically shredding the file. A list of purged files, along with the date they were purged, will be maintained with the Informant/C.I. files.

## **15.100 Victim/Witness Protection Program**

### **15.100.010 Purpose**

The purpose of this order is to establish procedures to provide temporary security to material witnesses testifying on behalf of the State of Tennessee, in criminal cases involving the prosecution of violent offenders. The Metropolitan Nashville Police Department may provide assistance to victims/witnesses who have been threatened or who express specific, credible reasons for fearing intimidation or further victimization and meet the guidelines set forth in this policy. Participation in this program is strictly voluntary and is aimed toward reducing violent crime by the successful investigation, arrest and prosecution of these cases. The types of protection provided include both short-term and long-term relocation, with an emphasis on one-time relocation.

### **15.100.020 Duties & Responsibilities**

#### **A. Victim/Witness Protection Committee**

1. The Victim/Witness Protection Committee shall, at minimum, consist of the following members:
  - a. Investigative Services Bureau commander, committee chairperson
  - b. Representative from the District Attorney's Office
  - c. Commander of the Special Investigations Division
  - d. Commander of the Personal Crimes Division
  - e. Lieutenant of the Homicide Division
  - f. Special Investigations Commander's designee, who will serve as program coordinator
2. In addition to any other policy or procedure set forth regarding supervision, the Victim/Witness Protection Committee's duties and responsibilities shall include, but are not limited to:
  - a. Perform supervisory and technical duties in accordance with established goals and objectives of the program;
  - b. Research, define and propose changes to goals and objectives of the program;
  - c. Explain, interpret and review goals and objectives of the program;
  - d. Ensure compliance with Victim/Witness Protection Program procedures and protocols;

- e. Evaluate performance, identify and address training and other personnel needs relevant to the Victim/Witness Protection Program;
- f. Determine material and equipment needs of the program;
- g. Initiate and/or supervise program contacts with outside agencies (District Attorney, FBI, etc.);
- h. Gather, compile, prepare and maintain information for budget preparation of the program;
- i. Review purchasing requests; and
- j. Review new protection cases on the next workday from when they were implemented.

**B. Special Investigations Division**

The commander of the Special Investigations Division will assign personnel as the program coordinator. The program coordinator or his/her designee will be on-call and available at all times to provide immediate assistance for victim/witness referrals. The on-call personnel may be contacted through the EEC. An assessment will then be made in regards to temporary acceptance of a victim/witness into the program. The Special Investigations Division will coordinate and supervise all police interaction with individuals accepted into the program.

**C. Referring Police Personnel**

When referring a victim/witness, personnel should:

- 1. Contact his/her supervisor;
- 2. Upon approval from the supervisor, inform the dispatcher that the program coordinator or his/her designee should be contacted;
- 3. Provide the program coordinator or designee with details surrounding the referral; and
- 4. Send written documentation of the referral to the program chairperson and the commander of the Special Investigations Division. Documentation should, at the minimum, include date and time of the referral, name of victim/witness, location, and the reason for the referral. Personnel should also include any relevant paperwork (offense report, arrest report, criminal histories, etc.).

**15.100.030 Case Acceptance Prerequisites**

The following are eligibility requirements for admission into the Victim/Witness Protection Program:

- A. The requestor is a member of the Metropolitan Nashville Police Department or a member of the District Attorney's Office; and
- B. The victim/witness is testifying in a specific felony prosecution within the criminal justice system of Davidson County (no misdemeanor or civil cases will be handled by the Victim/Witness Protection Program); and
- C. Specific information exists that the victim/witness and/or members of his/her immediate family are in jeopardy; and
- D. The victim/witness has made an official police report regarding any threats, acts of retaliation or harassment and it is evident that the victim/witness and/or members of his/her family or household are in immediate jeopardy; and
- E. The personnel making the referral of the case is pursuing criminal charges against any known person(s) making the threat(s); and
- F. Other possible means of safety have been explored and it is determined that no remedy is available.

**15.100.040 Disqualifying / Denying a Case**

- A. Victims/witnesses involved in misdemeanor or civil cases will not be eligible for the program unless directly related to another qualifying case. The following may disqualify a victim/witness from the Victim/Witness Protection Program:
  - 1. The victim/witness has voluntarily made contact with a defendant or anyone else related to the case who has lodged threats against the victim/witness in the past;
  - 2. The victim/witness is involved in a child custody dispute, which has not been resolved by the court;
  - 3. The victim/witness will not testify; or
  - 4. The victim/witness refuses to sign any required form or document;  
or
  - 5. The victim/witness is terminated due to non-compliance with the Victim/Witness Protection Program policies.
- B. The Victim/Witness Protection Committee will make the final determination as to the denial or disqualification of the case. The

Victim/Witness Protection Committee will then notify the victim/witness of such a decision.

- C. Upon the closing or termination of a case, a deactivation form will be completed, signed and placed in the file, and the file will be placed in the deactivated files.

#### **15.100.050 Media Relations**

It is the objective of the Victim/Witness Protection Program to provide the victim/witness with the best security possible. This includes insulating the protected victim/witness from exposure to the media. All personnel are expected to maintain the confidential identity of a protected victim/witness. Should the situation arise while escorting a protected victim/witness and the media makes an unexpected appearance, personnel should move the victim/witness to a secured area and then approach each news medium represented individually and request their cooperation in not exposing the identity of the protected victim/witness.

In situations when escorting a victim/witness in a high profile case to court proceedings, the personnel responsible for the escort will notify the assignment editor and/or station manager of the respective news sources 8 to 24 hours in advance and advise them of concerns with regards to exposing the cooperating victim/witness. If resistance from any of the local new media continues, notify the Public Information Office who will contact the news source concerned and attempt to resolve the issue.

**15.110 Extradition of a Defendant to this Jurisdiction – Arresting a Fugitive from Justice from Another State**

**15.110.010 Purpose**

This policy addresses the proper procedure for extraditing an individual to this jurisdiction, and arresting a fugitive from justice from another state, district, or territory. It shall be the responsibility of the Criminal Investigation Division's Fugitive Unit to execute the extradition process.

**15.110.020 Definitions**

- A. **Extradition:** the surrender by one state to another of an individual charged with or convicted of an offense within the requesting state, and who fled the jurisdiction of said state.
- B. **Fugitive:** one who flees or tries to escape the legal process.
- C. **Fugitive Unit:** police personnel responsible for locating fugitives, making the proper notifications regarding their status, and returning the individual to the jurisdiction where they are wanted.
- D. **Fugitive Warrant:** the custodial state's legal charge to arrest and hold a fugitive on outstanding charges for another state.
- E. **Requesting or Demanding State:** the state having outstanding charges against a fugitive.

**15.110.030 General Provisions**

- A. The department shall maintain a liaison with other law enforcement agencies. This cooperation will enhance the likelihood that fugitives will be apprehended and returned.
- B. The supervisor of the Fugitive Unit shall furnish the Emergency Communications Center with an "on-call" schedule of investigators that can be contacted on a 24-hour basis.

**15.110.040 Specific Provisions**

- A. Extradition procedures for subjects wanted by Nashville/Davidson County:

***Extradition of a Defendant to this Jurisdiction –  
Arresting a Fugitive from Justice  
from Another State  
15.110***

1. Department personnel shall not request the arrest, or the holding of an individual who is wanted by Nashville/Davidson County without notifying the Fugitive Unit.
2. Sworn personnel requesting the extradition of an individual to this jurisdiction, shall present the following documents to the Fugitive Unit:
  - a. Two (2) certified copies of the felony warrant(s) or capias
  - b. A copy of the offense report(s)
  - c. A copy of any other information that is related to the case
3. The Fugitive Unit will review and process the extradition request. If the charge is an extraditable offense, the request will be forwarded to the Davidson County District Attorney's Office for approval. If approved, a member of the Fugitive Unit will notify the requesting personnel.
4. It shall be the responsibility of the Fugitive Unit to submit all entries of wanted persons that have been approved for extradition by the District Attorney's Office to the N.C.I.C. clerk in the Data Entry Section.

**NOTE:** Once extradition is approved, it shall be the responsibility of the Fugitive Unit to modify those warrants in the computer.

**B. Extradition procedure for subjects wanted by other jurisdictions:**

1. When an individual wanted by another state is arrested by a member of this department, at least one of the following types of probable cause must be in the hands of the arresting officer:
  - a. A certified copy of the out of state felony warrant
  - b. A teletype received from the law enforcement agency requesting the arrest or holding of the individual.

**IMPORTANT:** A N.C.I.C. "HIT" is sufficient probable cause to hold and investigate an individual for extradition from the demanding state. This is done by teletype to the demanding agency identified on the N.C.I.C. "HIT". The demanding agency will confirm extradition by teletype. The teletype confirmation, the N.C.I.C. "HIT", and reasonable corroboration that the individual in custody is the wanted subject, is probable cause for an arrest.

***Extradition of a Defendant to this Jurisdiction –  
Arresting a Fugitive from Justice  
from Another State  
15.110***

2. After confirming the demanding agency will extradite, the individual will be brought before a judge or commissioner where the probable cause can be presented. The arresting officer shall request a **Fugitive from Justice** warrant (T.C.A. 40-9-103). If the warrant is granted, the arresting officer shall attach the following to the warrant:
  - a. The fugitive warrant(s) or capias, and N.C.I.C. printouts
  - b. The fugitive arrest report
  - c. The arrest report for any other charges the individual was booked on
  - d. Any other reports in reference to the fugitive charges
  - e. Any communications with the out of state agency: teletypes, facsimile communications, letters, et cetera. (If communication was made by telephone, give the agency's address, the telephone number called, and the name, rank, and identification number of the person that verified the warrant.)
3. Once all of the above is compiled, a copy shall be placed in the designated mail trays for the Fugitive Unit in either the Warrant Division or the Prisoner Processing Division.

**NOTE:** A Case Preparation Report does not need to be filed on a Fugitive from Justice warrant. However, the arresting officer shall contact the Fugitive Unit the next working day to verify that the unit has received the information.



## **15.120 Authorization, Distribution, and Use of Surveillance and Undercover Equipment**

### **15.120.010 Purpose**

The purpose of this order is to establish a system for the authorization, distribution and use of surveillance and undercover equipment.

### **15.120.020 Definitions**

- A. **Surveillance:** The discreet observation of people, locations, organizations or property involved, or suspected of being involved, in criminal activity in violation of local, state, or federal laws.
- B. **Surveillance Equipment:** For the purposes of this order, surveillance equipment is any audio or visual enhancement or recording device used to facilitate a surveillance operation and is the property of, or on loan to, the Metropolitan Nashville Police Department, or a component thereof, and may be made available for use by other components of the department in accordance with this order.

### **15.120.030 Authority**

Once a surveillance operation has been authorized, the Bureau Commander of the unit, section, or division having responsibility for the maintenance and security of any department surveillance equipment may authorize the use of such equipment to assist in the operation. The Bureau Commander having such authority shall institute a tracking system in which each piece of surveillance equipment is inventoried in compliance with the orders of the Metropolitan Police Department and the procedures of the Metropolitan Government. That Commander shall also institute procedures for tracking the distribution and use of the equipment. The tracking procedure shall track to whom the equipment was loaned, the date and time the equipment was issued, the expected date of return, the actual date of return, and the case file number or complaint number.

### **15.120.040 Distribution**

Distribution of surveillance equipment may be made to any sworn employee of the Metropolitan Nashville Police Department conducting an authorized surveillance operation. However, the sworn employee must be trained in the lawful use of such equipment and be legally authorized to do so. Surveillance equipment will be distributed as needed subject to availability.

**15.120.050 Use of Surveillance Equipment**

- A. Surveillance equipment shall be used by employees in compliance with all laws that may govern its use. The equipment shall also be used consistent with the manufacturer's recommendations and directions and in a manner that will assure the equipment will remain in the best possible working order during its life.
- B. Employees using surveillance equipment will return it to the unit from which it was obtained as soon as possible after the completion of the surveillance operation. Any damage or modification to the equipment will be documented in accordance with departmental procedures.
- C. All evidentiary materials obtained subsequent to the use of the surveillance equipment will be documented and stored in accordance with departmental procedures.

## **Title 16: Juvenile Procedures**

### **16.10 Juvenile Arrest Reports and Citations**

#### **16.10.010 Purpose**

The purpose of this order is to communicate procedures for taking a juvenile into custody. This order also contains provisions for completing and processing juvenile arrest reports and juvenile citations.

#### **16.10.020 Prior to Taking Juveniles Into Custody**

- A. An officer shall determine whether the juvenile is alleged to have engaged in criminal or non-criminal behavior (a status offense).
- B. An officer shall determine whether the juvenile is alleged to have been harmed or is in danger of harm. The officer shall provide immediate medical attention (e.g., first aid, transportation to a hospital, etc.) if warranted under the circumstances. Notification of internal components (Youth Services Division) or external agencies (Department of Children Services) shall be made according to current department policy.
- C. Prior to and during the detainment of a juvenile for a criminal or status offense, an officer shall ensure that the individual's constitutional rights are protected. An officer shall use MNP Form 266, Rights Waivers as directed in current departmental policy.

#### **16.10.030 General Provisions – Juvenile Arrest Reports**

- A. An MNP Form 106, "arrest report," shall be completed for the physical arrest of any juvenile charged with a status or criminal offense.
  - 1. The box indicating "juvenile" shall be marked appropriately on the report.
  - 2. The precise charge(s) for which the defendant was arrested will be indicated on the report.
  - 3. The right index fingerprint should be affixed to the report for the purposes of identification, prior to processing the offender at Juvenile Court.

4. Personnel shall document probable cause for arrest in the narrative of the report. Specific information including the names of victims and witnesses, (and telephone numbers for contacting each), parent/guardian information, relevant ages, dates of birth, and a specific description of the arresting offense, shall be listed on the report.
  5. In cases where the officer is transporting a juvenile to detention for a private prosecutor, the officer may have the person sign the arrest report indicating his/her intent to prosecute and affirming the correctness of the information contained in the report.
- B. The original copy of the arrest report shall be provided to the intake worker at Juvenile Court for booking purposes.
1. A **copy** of the report can be made for the officer's individual case file if so desired.
  2. It is **not** required to leave a copy of any other police report with the intake personnel at the time of booking.
- C. The **original** copy of the arrest report shall be retained by the Juvenile Court intake worker.
- Original juvenile arrest reports will be picked up at Juvenile Court by Youth Services Division Personnel.
- D. Officers can obtain a copy of a juvenile arrest report for the discharge of official duties by contacting the Youth Services Division. The copy will be stamped as a confidential document prior to release.
- E. Juvenile law enforcement records and files are confidential and subject to the provisions of applicable state law, including those found in the police computer system.
- F. When taking a juvenile to Juvenile Court Detention, an officer shall transport them without delay (unless a juvenile is in need of emergency medical treatment).
- G. When a juvenile defendant is bound over to Criminal Court under the provisions of TCA 37-1-134, that defendant should be processed at the Criminal Justice Center Booking Facility as an adult. No additional arrest report should be completed. The original incident number should be used from the offense for which the juvenile was bound over. The incident number is available from the juvenile arrest system (QJARST) or from the original arrest report stored in the Youth

Services Division. Juvenile Court is responsible for transporting the defendant to the Criminal Justice Center Booking Facility.

**16.10.040 General Provisions – Juvenile Citations**

- A. The MNPD Form 219, "Juvenile Citation" is issued to a juvenile in lieu of making a physical arrest for committing a status or misdemeanor offense.
- B. If an officer makes an arrest of a juvenile who has committed a status or misdemeanor offense, the officer shall choose one of the following response alternatives:
  - 1. Issue a citation, or
  - 2. Take into custody and transport to Juvenile Court Detention.

**NOTE:** A citation should be used when appropriate.

- C. Officers shall consider the following before selecting the response alternative for a status or misdemeanor offense:
  - 1. Nature of the alleged offense;
  - 2. Age and circumstances of the alleged offender;
  - 3. Alleged offender's previous record;
  - 4. Safety of the alleged offender or others;
  - 5. Rights of the complainant or victim; and
  - 6. Protection of the alleged offender's constitutional rights.
- D. No juvenile citation shall be issued for any offense if:
  - 1. The offender requires medical attention or medical care, or he/she is unable to care for him/herself due to the influence of a controlled or intoxicating substance (until these needs are met);
  - 2. There is a reasonable likelihood that the offense would continue or resume, or that property would be endangered by the offender;
  - 3. The rights of the victim or complainant would be jeopardized if he/she were not given the option of filing a petition at Juvenile Court;
  - 4. The offender commits "public intoxication" by appearing in a public place while under the influence (substances include marijuana,

- alcohol, glue, etc.) where there is endangerment to the offender, others, or property; or the offender unreasonably annoys others;
5. The violation is for a traffic offense;
  6. The officer is unable to verify the offender's identity (photo identification, parent or teacher statements, etc.); or
  7. The violation is for any weapon offense.
- E. A juvenile citation shall be issued for a specific status offense or misdemeanor violation which is supported by a metropolitan or state law. Multiple violations can be listed on one citation. If there is more than one prosecutor, a separate citation shall be issued for each prosecutor.
- F. A complaint/incident number will be included on each juvenile citation. One complaint number shall be used for all offenders of the same incident (i.e. possession of alcoholic beverages by four offenders will all have the same complaint number).
- G. The juvenile offender should sign his/her name in the designated space to acknowledge receipt of the citation and thus agreeing to give it to the parent/guardian. If the juvenile declines to give the citation to the parent/guardian or refuses to sign the citation after being advised that his/her signature is not an admission of guilt, the officer shall void the citation, take the juvenile into custody, and transport him/her to Juvenile Court Detention.
- H. Officers shall advise private prosecutors, victims, or complainants of the two choices for prosecuting a juvenile offender after considering the directions listed in Article 16.10.040, Section D:
1. Issuing a juvenile citation with the victim/complainant as the prosecutor; or,
  2. Filing a petition (by the victim/complainant) at Juvenile Court. (If a prosecutor wants restitution, the prosecutor shall file a petition rather than a citation be issued.)
- I. The officer will give a citation copy to the violator and explain to him/her the "ATTENTION PARENT" directive. The officer will advise the juvenile that the parent or guardian should call a Police Youth Counselor at the Youth Services Division, after 48 hours, Monday through Friday (except on weekends and holidays), 12:00 noon- 4:00 p.m. The officer shall inform the juvenile that the failure of the parent

or guardian to call and settle the citation can ultimately result in a referral to Juvenile Court.

- J. For all alcoholic beverage violations, the officer shall specify the offense as to "Possession" and/or "Consumption" (Drinking), and the alcohol type and amount. For all controlled substance violations, the offense shall be specified by the substance type and amount.
- K. When a citation is voided, the officer shall write "VOID" on the citation and forward both the original (yellow) and the manila (hard) copy to the Youth Services Division. The officer may keep the officer's copy and destroy the violator's copy.
- L. The officer shall turn in the citation to the officer's supervisor by the end of the tour of duty. A citation issued during times other than the officer's duty hours will be turned into the nearest patrol precinct within eight hours from the time of issue. Before forwarding the citation to the Youth Services Division, a supervisor shall review for accuracy and sign in the designated space. The supervisor will forward the citation by the end of the tour of duty.

#### **16.10.050 Control Provisions – Juvenile Citations**

- A. If an officer makes a physical arrest and there is more than one offense, all offenses shall be filed at Juvenile Court and a citation not be issued.
- B. When issuing a citation, an officer shall guard against accepting false information from the juvenile (e.g. juvenile's name, date of birth, address phone number school, and parent's name). If an officer suspects a juvenile of giving false information, the officer shall check with other available sources (school, parent, another relative, etc.) before completing the citation and releasing the juvenile.
- C. It is acceptable to issue a citation to an out-of-county juvenile or out-of-state resident. The officer shall use discretion as to the juvenile's identity and the likelihood of a parent or guardian will settle the citation.
- D. When a citation is issued, an arrest report shall not be written for the same offense. If there is a corresponding report to the incident an officer shall check the corresponding citation block for "See incident report" or "See arrest report" (for companion). When there is no corresponding report, the officer shall complete the details of the offense with a clear statement of the "probable cause" written in the citation narrative. If a citation is issued when a victim or complainant is involved, an incident report shall also be written.

- E. The officer shall turn in all physical evidence related to the case in accordance with applicable departmental policy and procedures.
- F. The prosecution of a juvenile who is in violation of the law shall be consistent. For example, when a 17-year-old juvenile and an 18-year-old juvenile are in possession of an alcoholic beverage, both offenders shall be charged. The 17-year-old juvenile shall be cited on a juvenile citation or taken into custody and transported to Juvenile Court. Likewise, the 18-year-old shall be charged according to departmental procedures for handling adult offenders. Another example of prosecuting consistency is when two officers observe two juveniles committing the same offense; the officers would charge the juveniles with the same violation and code.
- G. The officer shall not attempt to explain to any person (juvenile, parent, guardian, private prosecutor, etc.) how a citation will be settled. Confusion can be created by the officer advising anyone of a "probable" disposition. The disposition will be either at the Youth Services Division or Juvenile Court, but the officer cannot make the determination in advance.
- H. An officer shall be prepared to testify in court if the Youth Services Division refers a citation offense to Juvenile Court.



**16.20 MNPDPastor's Youth/Young Adult Violence Intervention Program**

**16.20.010 Purpose:**

The purpose of this order is to communicate procedures for calling out Youth Violence pastors for Youth Intervention. Consistent with established policy for call out procedures, when a member responds to or otherwise investigates an incident involving youth/young adult violence, actual or threatened, and reasonably believes that a pastor can assist those involved in the incident or in the handling of the call/investigation, a supervisors may then request the Emergency Communications Center (ECC) to notify the on call "Youth Violence Pastor". The Pastor will make contact via cell phone with responding/investigating officer to determine the most appropriate level of response.

**16.20.020 Policy:**

The Pastor's Youth Intervention Program ministers to the needs of victims involving youth/young adult violence and the perpetrators. The Pastor's representing different faiths, volunteer at least one (1) **week** service per month, to this program.

**16.20.030 Procedure:**

**A. Requesting Pastor's Assistance**

1. Officers on the scene of an incident involving youth violence may request a Youth Pastor, by calling or requesting by radio communication, to the countywide dispatcher at the Emergency Communications Center. The on-duty dispatcher will contact the Youth Pastor on-call, by cellular telephone. The ECC will have a listing of the on-call Youth Violence Pastor and back-up Pastor for each day of the week.

Examples of incidents where a supervisor may request notification of a "Youth Violence Pastor" includes, but are not limited to: homicide, aggravated assault, robbery, and similar offenses.

2. When the Youth Violence Pastor calls, he will be put through to the countywide dispatcher, and the dispatcher will give the Youth Violence Pastor the following information:
  - a. Location of the call,
  - b. Type of call,
  - c. Name of requesting officer,
  - d. The officer's call number, and

- e. Where the youth pastor needs to respond (i.e., scene, hospital, etc.)
- 3. If the Youth Violence Pastor does not return the call within five (5) minutes, the dispatcher should consult the secondary on call Youth Violence Pastor. If all attempts are unsuccessful, the countywide dispatcher should call or page the Senior Chaplain of the MNPD at home or work, and he will give further instructions concerning the call.
- 4. A report sheet shall be created by the Youth Violence Pastor for all dispatched calls, and copies of the reports shall be kept by the Pastors and B.H.S. Division.
- B. Cell phone are provided and maintained by Cricket's Communications.
- C. Procedures
  - 1. The Youth Violence Pastor shall drive his/her private owned vehicle to the Incident Scene, Hospital, or requested location.
  - 2. A zone car should be made available when requested by the Youth Violence Pastor, to assist, and accompany him/her to a determined location where the death notification is to be made. Especially, in circumstances to where there may be a potential for violence, or during late night or early morning hours.
  - 3. At no time shall a Youth Violence Pastor make a death notification by telephone, or transmit over the radio the name of the deceased person.
  - 4. Death notifications made by a telephone contact will be permitted as a last resort ONLY when extenuating circumstances warrant.
- D. Request for Youth Violence Pastor Services from other agencies of a death notification should be made in the form of a written request (i.e., teletype, facsimile, etc.).
- E. At no time will a Youth Violence Pastor release any statements or give any information concerning any persons that have been killed or seriously injured in an incident.
- F. At no time shall MNPD Youth Violence Pastors possess or carry any firearm when responding to any call for assistance. This restriction applies whether or not the responding pastor possesses a valid handgun carry permit.

## **Title 17: Professional Development**

### **17.10 Training Standards**

#### **17.10.010 Training Committee**

A training committee will be appointed to assist the Training Division Academy staff in developing and evaluating training needs. The committee is to serve as a focal point for input from the respective bureaus. Each bureau commander will select two employees to represent their bureau on the training committee. A representative can be replaced at the discretion of the bureau commander. The director of training will serve as chairperson of the committee and will appoint an instructor from the Training Division's In-Service Training Unit to serve on the committee. The chairperson shall provide the Administrative Services Bureau commander any necessary reports or recommendations. The chairperson will schedule meetings with considerations on the time needed to implement committee recommended in-service changes or additions for future in-service programs. It shall be the responsibility of the director of training and the Administrative Services bureau commander to decide which recommendations from the training committee shall be implemented into the in-service curriculum.

#### **17.10.020 Attendance**

- A. All sworn officers except those having attended the basic police training within the calendar year must participate in a Peace Officer Standards and Training Commission approved forty hour in-service training session each year.
- B. Each in-service training session must include firearms training requalification with all firearms issued by the department. All qualification requirements specified in the current department policy on firearms must be met or exceeded.
- C. All training should ensure that personnel are kept up to date with new laws, technological improvements, and revisions in department policies, procedures, rules, and regulations.
- D. Attendance records must be maintained on all employees. An attendance roster listing the names of all persons attending a scheduled block of training will be maintained and kept on file by the Training Division.

- E. Personnel must attend all classes unless temporarily excused by the Training Division In-Service Training Coordinator. Absences (court appearances, emergencies, or personal illness) may not exceed twenty percent of the course duration. Absences of more than twenty percent require that the portion of the course missed be repeated within thirty days of the absence. If an employee is unable to complete the make-up within thirty days, they must repeat the entire course.

#### **17.10.030 Academics**

- A. All sworn employees attending in-service training will be required to pass the academic portion of the training with a seventy percent score on the material presented, which may include one or more of the following testing mechanisms:
  - 1. Written examination;
  - 2. Oral examination or presentation; and/or
  - 3. Practical exercise examination, presentation, or participation.
- B. On the final day of the in-service training session, the employee will be advised of his/her final score. If the final score is below that grade which has been established as the seventy percent level, the employee will have the following options available:
  - 1. Request administrative leave with pay in order to report to the next regularly scheduled in-service training session or that session which has been designated by the Director of Training and the Chief of Police;
  - 2. Retire, if eligible; or
  - 3. Resign.

Persons failing to elect one of these options shall be terminated.

- C. Employees electing administration leave have the following options:
  - 1. Re-take the failed examination(s) immediately after reporting back to the Training Academy; or
  - 2. Attend another full session of in-service training prior to taking any second examination(s).

Employees who chose to re-take the failed examination(s) immediately after reporting back to the Training Academy, and successfully pass the examination will report back to their regular assignment. Employees failing the second examination may be required to attend the full session of in-service training prior to taking the examination for a third time. Any employee who fails to meet the seventy percent passing grade after his

second full session of in-service training must either resign or retire, if eligible.

Those doing neither shall be terminated.

- D. Those employees failing the academic portion of in-service the first time shall not qualify for in-service supplemental pay.
- E. Employees who have failed the in-service academic examination, but passed the firearms qualification, may receive special academic study assistance, if requested, during the scheduled gun range hours for the repeat in-service class session.
- F. Those employees failing **both** the academic examinations and firearm qualifications who have requested administrative leave with pay will have the following options:
  - 1. Retake the failed academic examination(s) immediately upon reporting to the Training Academy; or
  - 2. Attend another full session of in-service training prior to taking any second examination(s).
  - 3. Receive instruction and practice, to qualify with the firearm(s) on Wednesday, Thursday, and/or Friday after the scheduled core classes. (Refer to Chapter 8.10 on firearms policy and procedures).

Employees who choose to re-take the failed academic examination(s) immediately upon reporting to the Training Academy, and successfully pass the examination(s) will not attend the full session of in-service training. If the employee does not successfully pass the second academic examination, the employee shall attend a second full session of in-service training. Employees who do not successfully pass both the academic and firearms requirements after the second full training session must either resign or retire, if eligible. Those doing neither shall be terminated.

#### **17.10.040 General Provisions for In-Service Training**

- A. All sworn personnel are required to have forty hours of training each year. The training will consist of:
  - 1. Core classes (offered in consecutive days). The core classes consist of Peace Officer Standards and Training Commission required classes and those classes that have been determined to be important for all sworn personnel; e.g., law updates, officer survival, etc.

One of the core class days will be dedicated solely to firearms/use of force policies, defensive tactics, and street survival techniques.

2. Elective classes (chosen from the In-Service Catalog) are offered for various lengths of times. Some sworn personnel may have a final schedule that slightly exceeds hours allotted to complete the total of forty hours. This is acceptable if it does not exceed twenty elective hours--unless the employee's direct supervisor approves additional hours.
3. Lesson plans for all training courses conducted by the department will utilize procedures outlined in the Training Division Policies and Procedures that include provisions for the following:
  - a. Guidelines and format for lesson plan development;
  - b. A statement of performance and job-related objectives;
  - c. The content of the training and specifications of the appropriate instruction techniques;
  - d. A process of approval of lesson plans; and
  - e. Identification of any test used in the training process that follows a format which must show the name, rank, and social security number of the employee taking the test.
- B. All personnel shall coordinate their training hours with their direct supervisor(s). The training schedule must coordinate with the employee's ability to attend the class and not significantly impact the work schedule.
- C. The rules of the Training Division shall apply throughout this process:
  1. An attendance roll will be maintained;
  2. There will be documented testing of core and/or other specified classes;
  3. Class attendance is mandatory;
  4. Proper attire will be strictly enforced;
  5. There is no smoking or other tobacco products, newspapers, food or drink, or weapons, allowed in any classrooms (see the "General Information" section of the In-Service Training Catalog for further rules);
  6. A professional atmosphere and work environment will be observed at all times by both the instructors and attendees; and
  7. Any employee who is disruptive and not in compliance with the rules and regulations of the department will be disciplined.
- D. All personnel will have a training record. The Training Division will be responsible for updating training records of employees following the

employees participation in training programs. The Training Division staff will monitor the core classes and the electives each employee selects. Sworn personnel who fail to accumulate the required hours will be contacted by November 1<sup>st</sup> each year, to attend mandatory classes at the Training Academy.

- E. The Training Division will maintain records of each training class it conducts, to include, at a minimum:
  - 1. Each hour of instruction by Training Division staff personnel will be taught from an approved lesson plan. The approved lesson plan will be maintained at the Training Division in the master lesson plan file;
  - 2. The names of all attendees in each training class; and
  - 3. The performance of individual attendees as measured by test results, if administered.
- F. Instructors shall follow the rules as designated by the In-Service Training Unit staff, and the rules specified in the In-Service Training Catalog.

G. Physical Fitness Evaluation

The physical training for sworn personnel who are not exempt from physical activity may consist of a physical fitness evaluation. The evaluation will provide a profile report that includes: body weight and fat, heart rate, blood pressure, flexibility, strength, and cardiovascular condition. Every effort shall be made by the Training Division staff to complete this evaluation while the officer is on duty, attending in-service, elective classes, or specialized training. The Training Division staff will coordinate this process with department supervisors.

Every fitness evaluation administered to an employee shall be monitored by Training Division personnel who are certified as Emergency Medical Technicians. The Training Division's Standard Operating Procedure regarding the monitoring of blood pressure analysis, shall be followed at all times during any fitness evaluation.

When the fitness evaluation has been completed, the Training Division staff shall review the results with the employee. The Training Division staff employee will design an individual exercise program for those employees who are determined to have physical fitness needs. Follow-up on the employee's progress towards achieving physical fitness will be tracked quarterly, or more often if deemed necessary, by the

Training Division staff. The goal is to improve the fitness and health of the sworn workforce--this program also links with officer survival.

#### H. Physical Examinations

Employees are required to maintain their general health and fitness to a level which would allow them to perform their job responsibilities in accordance with the physical demands section of the position's job description.

A periodic physical examination is a benefit to both the employee and the agency. Any physical examination should be conducted only to confirm the employees' continued fitness to perform the tasks of their assignments and to inform them of their general physical condition, not to identify employees with disabilities who are otherwise able to perform their assigned duties, with or without reasonable accommodation.

Department employees are encouraged to have physical examinations conducted periodically by their physician. The cost of the physical examination may be paid in full or part, by employee insurance if there is a recurring medical problem. Some types of employee's insurance may pay for a routine physical examination.

- I. Further information regarding in-service training should be obtained from the In-Service Catalog or from In-Service Coordinators of the Training Division staff.
- J. The Training Division In-Service Training Unit shall maintain permanent training files on each individual attending training, and update records of employees following their participation in training programs. Permanent training files shall contain at a minimum the data listed below:
  - 1. Testing results, including performance-based, written and other methods as necessary and applicable.
  - 2. Records of dates of attendance in the program.
  - 3. Achievement of any special skills, honors, and department records, such as highest firearms qualification score, physical agility score, etc.
- K. The In-Service Training Unit of the Training Division shall maintain as part of its permanent records:



1. Names of all attendees;
2. Course curriculums;
3. Lesson plans;
4. Training schedules;
5. Names of instructors teaching courses and their qualifications;
6. Dates courses are given;
7. Testing results; and
8. Other records as may be required by the Chief of Police, the Director of Training, or the Tennessee Peace Officer's Standards and Training Commission.

#### **17.10.050 Basic Police Training**

The Training Division will provide an approved program of instruction for newly hired police officer candidates comprising fundamental law enforcement skills and knowledge, which shall be designated as the Basic Police Course. The course will meet or exceed all applicable State of Tennessee Peace Officer Standards and Training Commission requirements. Newly hired police officer candidates will complete the Basic Police Training program prior to routine assignment, in any capacity, in which the candidate is allowed to carry a weapon or is in a position to make an arrest, except as part of a formal field training program.

#### **17.10.060 Specialized Training**

- A. Advanced training is that training that exceeds or is required to fulfill the training needs of personnel beyond the general in-service level. This advanced training can be achieved through in-house instruction or through coordination with outside agencies. The department, in an attempt to further the operational and management skills of supervisors, managers, civilians, and sworn personnel, may enroll them in advanced individual training. This advanced training may be conducted outside of the department's Training Academy.

The Training Division will provide specialized "in-house" training. The training will develop and/or enhance skills, knowledge, and abilities particular to the specialization. Training will be provided in the following specialty areas:

1. Management/Executive Development;
2. Supervisory (Pre/Post Appointment);
3. Homicide and Sex Crimes Investigation;
4. Field Training Officer;
5. Search Warrant/Legal Specialty;
6. Basic and Advanced Hostage Negotiations; and/or
7. Basic and Advanced Special Weapons and Tactics

- B. The Training Division may provide specialized training through coordination with outside agencies, in the following specialty areas:
1. Executive Development;
  2. Investigative Techniques;
  3. Bomb Techniques and Post-Blast Investigation;
  4. Crime Scene Evidence Techniques;
  5. Crime and Forensic Laboratory Procedures;
  6. Counter-Terrorism Management and Tactics;
  7. Technical/Electronic Investigation;
  8. Polygraph Examination;
  9. Advanced and Technical Accident Investigation;
  10. Hazardous Materials Management;
  11. Incident Command System; and
  12. Other areas as needed.
- C. An employee who wishes to be considered for advanced training will submit their written request through the chain of command to their bureau commander. The employee's immediate supervisor will check the requested course availability or determine if there may be similar courses available. If the bureau commander approves the request it is forwarded to the Chief of Police for final approval.
- D. The selection of employees to attend advanced training is based upon the following criteria:
1. Competency displayed by the individual employee regarding the task requiring the advanced training;
  2. Recommendations from the employee's supervisor;
  3. Needs of the department; and
  4. The approval of the employee's chain of command.
- E. Certain advanced training courses may cost the department a considerable sum of money. After successfully completing the advanced training the employee may be required to work in an assignment relative to the area of study.
- F. Employees who are sent to specialized training or to professional conferences by the department, shall be held accountable for the information/training they have received. Upon return, the employee may be contacted by the Training Division staff to determine if subject matter from the trip can be added to the In-Service Training Catalog.
- G. Training for the listed positions/specialties will be designed so as to develop and/or enhance the skill, knowledge and abilities required for

the specialized job/position. Included in the training will be instruction on policies, procedures, rules and regulations, and performance standards related to the job function.

- H. Training will be presented and be in conjunction with supervised, on-the-job training.
- I. The Training Division will present pre/post appointment, supervisory training to officers promoted within the department to the first-line supervisory rank, according to the following guidelines:
  - 1. Training in basic supervision will be presented for all personnel promoted to the rank of sergeant;
  - 2. Personnel attending basic supervision courses must successfully complete the course of instruction;
  - 3. Personnel who fail to successfully complete the course of instruction shall be recommended for reduction in rank as having failed to meet training standards during the probationary period; and
  - 4. Basic supervision courses will be presented no later than thirty days following promotional appointment, but preferably prior to assuming duties.
- J. Promotional training will include curriculum designed to enhance an employee's supervisory and/or management skills.

Management training will include, but not be limited to:

- 1. Management information systems;
  - 2. Fiscal management;
  - 3. Organizational behavior;
  - 4. Decision making;
  - 5. Basic supervision;
  - 6. Communication skills; and
  - 7. Human resource management.
- K. The Training Division will be responsible for providing training and orientation to all supervisors regarding career counseling, which will occur in conjunction with annual evaluations. Supervisors conducting career counseling activities will be trained in the following topics:
  - 1. Counseling techniques;
  - 2. Skills, knowledge, and abilities assessment techniques;

3. Salary benefits and training opportunities that are available;
4. Educational and incentive program opportunities;
5. Cultural and ethnic background awareness;
6. Record keeping techniques;
7. Career development programs in other jurisdictions; and
8. Availability of outside resources.

**L. Command Level In-Service Training:**

1. All commanders will receive the Peace Officer Standards and Training Commission required classes, firearms training, law updates, community policing classes, and other classes deemed necessary by the Chief of Police.
2. Commanders may supplement their forty hours with electives from the In-Service Training Catalog, specialized training, or attending professional conferences, i.e. the Tennessee Chiefs Association, FBI National Academy Retraining Sessions, Police Executive Research Forum Accreditation Conferences, IACP Conferences, etc.
3. The same rules in Article 17.10.060 apply to Command Training: pre-approval, documentation, etc.

**M. Credit for specialized training or professional conferences may be counted toward the in-service elective requirement. However, the following guidelines must be followed:**

1. The specialized training or professional conference must be at least sixteen hours in duration as per Peace Officer Standards and Training Commission rules;
2. The training must be pre-approved by the In-Service Training Unit;
3. Documentation of attendance must be submitted, i.e. a certificate, training/meeting agenda, a written critique of the training, etc. The Training Division staff will confer with the requesting employee to determine the appropriateness of the training, what documentation is required, the number of credit hours, and determining the deadline for submission to the Training Division staff; and
4. Authorization for travel will not be granted and expenses will not be reimbursed unless travel made and reimbursement claimed is in accordance with the Charter of the Metropolitan Government of Nashville and Davidson County, Section 8-103.

**17.10.070 Field Training Officer Training**

- A. The Field Training Officer Training Program is an intensive in-service program designed to develop supervisory and leadership skills. A prerequisite for applying to become a Field Training Officer requires the successful completion of the Field Training Officer Training Program once in any three year training cycle.
1. To successfully complete the Field Training Officer Training Program, officers must meet the following minimum requirements.
    - a. Score not less than seventy-five percent in each tested area, except legal and firearms, which require a score of not less than seventy-five percent (75%); and,
    - b. Have a composite score of seventy five percent in all tested areas.
  2. All Field Training officers must attend and successfully complete the Field Training Officer Training Program and/or a designated supervisor class each year to keep their appointed rank. Officers desiring to qualify to become Field Training officers must successfully complete the course once every three years.
  3. The highest successful score obtained during the three year period will be the score that is used for scoring purposes for those officers desiring to qualify to become Field Training officers.
  4. Any officer with an overall score below seventy in either academic or firearms shall be governed by the provisions in Article 17.10.030.
  5. Officers attending this program are not required to become Field Training officers. However, this course will satisfy the officer's in-service requirement for that year.
  6. No specialized training may be substituted for the Field Training Officer Program.

B. Qualifications:

To attend the Field Training Officer Training Program, all applicants must meet the following requirements during the training year for which they apply.

1. Applicants must have completed three years of sworn service with the Metropolitan Police Department;
2. Applicants must be at least twenty-five years old.

**C. Curriculum:**

1. The Field Training Officer Training Program curriculum will be designed by the Training Academy staff and approved by the Director of Training. It will be designed to be a difficult challenge to the physical skills, mental skills and abilities of those attending.
2. Officers must meet the following minimum requirements in each tested area and have a composite score of seventy-five percent in all tested areas to successfully complete the Field Training Officer Training Program.

<b>Academics</b>		<b>Firearms</b>
Legal	75%	75%
Field Training/Supervision	75%	
General	75%	
Officer Survival and Defensive Tactics	75%	

**D. Enrollment**

1. The enrollment period for the basic Field Training Officer Training Program is September 1st through September 30th each year for the next training year. The training year will be from January 1st through December 31st. Officers not meeting either or both of the qualification requirements during the enrollment period, can apply to attend the program. However, these officers must meet all of the requirements during the training year for which applications are being accepted. Upon successful completion of a Field Training Officer Training Program and once both qualifications are met, the officer's name will be added to the Field Training officer eligibility list.
2. The Training Division Academy staff shall annually identify officers eligible to attend the program and, prior to the beginning of the enrollment period, send enrollment applications/waivers to the division/precinct commanders and captains.

3. The precinct/division commanders and captains shall collect completed applications/waivers from eligible officers under their command and forward them to the Training Division no later than October 7th of each year. All eligible officers shall complete either the application or waiver portions of the application/waiver form, indicating their preference. The Training Division shall maintain records of persons executing waivers.
4. The Training Division shall schedule classes and notify eligible officers and current Field Training officers of class dates they are to attend.
5. All rescheduling requests will be made by precinct commander or division captain directly to the Training Division for approval.

**E. Medical Exemptions**

1. Officers medically exempt from physical agility, firearms or defensive tactics testing shall be allowed to enroll in the program and participate in those areas in which they are not medically exempt.
2. Officers will not be allowed to become master patrol officers until the medical exemption has been removed, and the incomplete portions of the course have been successfully completed.
3. Incomplete portions of the course must be successfully completed prior to the end of the training year in which medically exempt officers attended the program. Exceptions must be approved by the Chief of Police.

**17.10.080 Police Officer III Training**

The training criteria for advancement to and maintaining the Police Officer III classification are stated in the Civil Service Commission Policies, Police Officer III Advancement Policy.

**17.10.090 Shift Briefings/Roll Call Training**

- A. The purpose of shift briefings are to keep personnel up to date with new laws, technological improvements, and revisions in policy, procedures, rules and regulations effecting personnel in the performance of their responsibilities.
- B. Shift commanders are responsible to see that roll calls are used for training purposes as often as possible.

1. Training topics will vary based upon assessed needs, but may include:
    - a. Department policy and procedure presentation and discussion;
    - b. New or reviewed case law;
    - c. New or reviewed statutes;
    - d. Tactical procedures and/or information;
    - e. Presentations by officers who have attended specialized training;
    - f. Department and/or other agency memorandums;
    - g. Professional literature articles or video tapes related to policing and law enforcement responsibilities.
  2. All roll-call training will generally be conducted by the supervisor holding roll-call or by another person who may have expertise in the subject matter.
  3. Roll-call training presentations are informal and need not comply with the formal lesson plan requirements established for in-service or advanced training.
- C. The shift commander is responsible for planning roll-call training on an as needed basis.
1. The training committee may suggest topics for roll-call training.
  2. Audio visual aids, literature, publications, etc., can be incorporated into short informal programs presented at roll calls.
- D. The shift commander will establish procedures for documenting roll-call training subject matter and attendance for inclusion in a training database.
1. When training is required, the sergeant or other designated person responsible for the training shall provide the shift commander with the required documentation.
  2. Sergeants will also provide training documentation to the shift commander for training programs conducted for individual components or sections at roll-calls or otherwise.

#### **17.10.100 Civilian Training**

- A. All newly appointed full time civilian personnel will receive information or training regarding:



1. The agency's role, purpose, goals, policies, and procedures;
  2. Working conditions and regulations; and
  3. Responsibilities and rights of employees.
- B. This will be accomplished by distributing to all newly hired full time personnel the following:
1. Written Directives (Departmental Manual);
  2. Civil Service Rules; and
  3. A listing of benefits.
- C. Newly hired full-time civilian employees will also receive "New Employee Orientation" training provided by the Metropolitan Personnel Department's Training Section.
- D. In-service training for civilian personnel who are component managers, facility guards, ECC personnel, school-crossing guards, and other appropriate personnel who deal with the public on a regular basis is required. The training for this category of personnel should include the legal, safety, and other responsibilities of their assignment, including dealing with the public. The commanders of the components with affected personnel may choose classes they deem appropriate for their personnel from the department In-Service Training Catalog, or the Training Division staff will assist by designing classes specifically for their department function. The scheduling of these classes shall be managed by the component commander.
- E. Pre-service training will be required for civilian personnel who are facility guards, school crossing guards, & Technical Services Identification Division latent fingerprint examiners. Newly hired civilian candidates in these classifications will complete their pre-service training prior to routine job assignment, except as part of a formal field training program. Pre-service training may consist of in house classroom or specialized training through outside agencies. All training will be approved by the appropriate bureau commander who supervises the affected employee.

#### **17.10.110 Remedial Training**

- A. Remedial training is individualized instruction used for specific deficiencies in personnel. Generally, the need for remedial training is

recognized during the supervisory evaluation process, during training, evaluation during routine job performance, or during inspections.

- B. Any aspect of the employee's job-related responsibilities that are observed to be deficient may be cause to require the employee to receive remedial training.

- 1. Sworn Employees

Any sworn supervisor or authorized training instructor may recommend, and the employee's shift commander may require a sworn officer or other employee under his/her command to submit to remedial training when circumstances indicate the officer(s) have violated a departmental policy or may otherwise benefit by remedial training.

- 2. Civilian Employees

A police supervisor or authorized training instructor may recommend, and the employee's shift supervisor may require, any civilian employee to submit to remedial training when circumstances indicate the individual(s) have violated any departmental policy or may otherwise benefit by remedial training.

- C. Department supervisors, or training instructors for any approved training program, may be assigned by the appropriate bureau commander to conduct remedial training as required for personnel to achieve the knowledge, skills, and abilities necessary to maintain proficiencies commensurate to their job responsibilities.

Remedial training shall be assigned and accomplished as soon as possible following the observance of any deficiency.

- D. Supervisors shall monitor employee's job task performance and report circumstances which may require the need for remedial training to the employee's shift commander for consideration of redemption consistent with the provisions of this order.
- E. Personnel designated to receive remedial training are required to attend the appropriate instruction training.

Failure of any employee to attend, participate, and complete the assigned training shall be reported through the chain of command for disposition and possible disciplinary action.

- F. Remedial training shall be documented in accordance with the requirements of the order, and the involved employee's shift commander shall be advised of the progress and/or outcome of any required training. Documentation of any required remedial training provided will be placed in the employees training file.

**17.10.120 Citizen's Police Academy**

- A. In a continuing effort to strengthen the partnership with the community the department has established a Citizen's Police Academy. The academy is a series of classes designed to provide citizens a detailed overview into the operation of the department. It will give citizens the opportunity to see how officers are trained and what officers go through on the streets.
- B. Participants must be residents of Davidson County, at least twenty-one years of age, have no arrest record, and be able to attend a minimum of ten of the twelve sessions. Applications for the academy will be available at the patrol precincts, or the Administrative Services Division commander's office.
- C. The five key objectives of the program are:
  - 1. To familiarize the participants with the function of the department;
  - 2. To obtain a better understanding of why different situations are handled a certain way;
  - 3. To provide another channel of communications for citizens and the department;
  - 4. To promote community support for the department; and
  - 5. To help members of the department become more aware of community concerns.

## **17.20 Wellness and Fitness Program**

### **17.20.010 Control Provisions**

- A. At the direction of the Chief of Police, the Training Division shall develop, maintain, amend, revise, and otherwise administer a wellness and fitness evaluation in conjunction with the department's annual in-service training program. The evaluation will be structured so that all sworn personnel will perform the same events.
- B. Sworn personnel will be required to participate in the evaluation as scheduled. . Failure to participate without a valid reason (i.e. sick leave, court appearance, or other official authorization, etc.) may be cause for disciplinary action. In the event of a valid absence, the evaluation will be re-scheduled for a later date.
- C. Any sworn employee not participating in the evaluation shall obtain a signed physician's note describing the reason for non- participation. The sworn employee shall then complete the evaluation at another time during the year, and shall cooperate with Training Division personnel for any required rescheduling.
- D. Sworn personnel who fail to successfully complete all parts of the evaluation, or otherwise fail to comply with requirements of attending the evaluation, may be re-scheduled at a later date for re-evaluation of the event (s) failed. Any re-scheduling will be made at the discretion of the Director of Training, based upon the effort demonstrated by the sworn personnel being examined to comply with requirements. However, no re-evaluation will be conducted after the regular in-service training period for the year.

### **17.20.020 Evaluation/Standards of Performance**

- A. As developed by the Training Division and approved by the Chief of Police the wellness and fitness evaluation shall consist of the following exercises:

EVENT #1:                      **UPPER BODY STRENGTH** — requires sworn personnel to participate in maximum repetitions of push-ups without breaking form; pausing is permitted in the up position.

EVENT #2:                      **CORE STRENGTH** — requires sworn personnel to participate in maximum repetitions of sit-ups.

EVENT #3: **ANAEROBIC** — requires sworn personnel to participate in a 300 meter dash.

EVENT #4: **AEROBIC** – requires sworn personnel to participate in a 1.5 mile run.

- B. Upon request, sworn personnel of the training staff shall provide a demonstration of each event. After each event, the sworn personnel being examined will have his/her score recorded by the examining staff sworn personnel. There is no particular order in which the events must be completed, and sufficient time to rest will be allowed between each event.
- C. All events contained in this directive shall be measured by grading scales posted at the Training Division. These scales are not a passing or failing measurement, but an instrument of a sworn person's fitness.

#### **17.20.030 General Wellness and Fitness Program**

In conjunction with the wellness and fitness evaluation, the Training Division shall develop a general wellness and fitness program to enhance the physical fitness of sworn personnel. This voluntary program may include, but is not limited to, nutritional information, aerobic exercise, anaerobic exercise, etc.

## **17.30 Training and Professional Conferences**

### **17.30.010 Control Provisions**

- A. Employees who are sent to specialized training or to professional conferences by the department shall be held accountable for the information/training they have received. Upon return, the employee may be contacted by the Training Division staff to determine if subject matter from the training can be added to the In-Service Training Catalog.
- B. With the expensive cost of advanced training courses, an employee successfully completing an advanced training course may be required to work in an assignment relative to the training's area of study and/or provide training to other employees.
- C. The selection of employees to attend advanced training/conferences shall be based upon the following criteria:
  - 1. Competency displayed by the individual employee regarding the task requiring the advanced training;
  - 2. Competency displayed by the individual employee regarding the task requiring the advanced training;
  - 3. Needs of the department; and
  - 4. The approval of the employee's chain of command.

**NOTE: Policy, procedure and governing law may vary greatly between jurisdictions and agencies. Therefore, employees shall be aware that training received by any outside source may be in conflict with departmentally approved or authorized policy and procedure. Any conflict shall be resolved in favor of MNPD policy, tactics, procedure and/or governing law.**

- D. Anytime an employee is requesting to be marked in the MNPD time accounting system as "Temporary Special Assignment" (TPSPA) to attend training, regardless of funding, the requesting employee shall complete a MNPD Form 445, Request for Specialized Training and receive approval before being entered as TPSPA in the time accounting system.

**17.30.020 Procedures**

**A. Approval Process:**

1. Employee makes request for training by completing MNPD Form 445, Request for Specialized Training and submitting through his/her appropriate chain of command;
  2. Employee's chain of command approval/disapproval to Captain/Commander or civilian equivalent level (This to include ensuring funds are available and/or identifying the funding source to cover any related expenses);
  3. Employee's request is forwarded to the Director of Training for review and provide a recommendation for departmental approval or disapproval;
  4. During the review process by the Training Division, they may recommend a different training program that provides the same or better training at a more economical rate or effective training process. Additionally, the Training Division may make a determination and/or plan to provide for training within the MNPD, based upon the external training our employees receive (i.e., train the trainer type classes our personnel may receive and then can return to the MNPD to provide training).
  5. If the training is for civilian staff, the civilian employee's component commander will contact the Director of Training to discuss its review.
  6. Employee's request is then forwarded to appropriate Deputy Chief/Director for approval/disapproval;
  7. Employee's request is forwarded to Chief Financial Officer (CFO) office to ensure funds available and noted by CFO office for approval/disapproval;
  8. Employee's request is forwarded to Chief of Police for final approval.
- B. The Director of Training will be notified on all approved requests for specialized or advanced training or professional conferences received from the various bureaus and units of the department.**

### **17.30.030 Completing MNP Form 445, Request for Specialized Training**

#### **A. Section I: Employee**

This section should include the requesting employee's name, employee number, current assignment, regularly scheduled days off, immediate supervisor's name and must note whether the requesting employee is sworn or civilian.

#### **B. Section II: Training Info**

1. The requesting employee should provide detailed information on the requested training. Course title, location and description should be included. Requesting employee shall attach any brochures, fliers and other information (to include information printed from websites) to the request form.
2. Requesting employee should provide detailed information for justification of request. Requesting employee shall include information on how training will benefit the MNP or the employee in productivity, efficiency, crime reduction or service to the community etc.
3. Detailed information on all associated costs must be provided. Additionally, if a particular funding source has been identified such as grant funding or program travel/training budget, this information must be included in the request. If no funding source has been identified, the requesting employee shall insert "unknown" in block 11.

#### **C. Section III: Mode of Travel**

1. The requesting employee must complete the mode of travel information in box 12. If a Metropolitan Government vehicle is used, the employee must enter the vehicle's decal number where indicated. If a personal vehicle is used, all vehicle information must be entered where indicated.
2. If the employee is requesting a cash advance or use of a departmental purchase card for travel expenses, he/she must indicate their request by checking the appropriate box in block 12.



D. Section IV: Approval

1. Once all required information in sections boxes 1 thru 11 has been entered, the requesting employee shall forward the request through the appropriate chain of command as indicated.
2. At each stage of the approval process, supervisory personnel should analyze the request and weigh the benefits of such training with the associated costs and mission of the MNPd. Supervisory personnel shall not merely "Rubber Stamp" approval for training requests.

**17.30.040 Certificates/Certifications**

Employees attending approved training courses shall ensure copies of any certificates/certifications awarded for such training are submitted to the MNPd Human Resources Section, for placement in the employee's permanent file.

## **17.40 Career Development/Succession Program**

### **17.40.010 Administration**

The Career Development Program will be administered under the direction of the Commander of the Administrative Services Bureau. The program will be reviewed on a continual basis in relation to the organizational goals and objectives of the department and revised as necessary.

### **17.40.020 Goals and Objectives**

#### **A. Goals**

1. Provide all personnel with the opportunity to become proficient in their duties and enhance the employee's potential for lateral and upward mobility.
2. Provide a process for reviewing MNPB leadership talent and identifying possible agency successors and provide those individuals with training, mentoring and support to prepare them for promotion.

#### **B. Objectives**

1. To maintain an annual assessment of individual skills, knowledge, and abilities (SKA's) derived primarily from the existing employee evaluation program to determine strengths and weaknesses and identify training needs.
2. To provide career counseling to all members who request it. The specific objective is to obtain 50% participation in the program.
3. To provide in-service, advanced, and remedial training designed to enhance individual proficiency.
4. To encourage continuation of education through a degree-granting program at an accredited college or university. The specific objective is to obtain 50% participation in higher education.
5. To include a minimum of 8 hours training in current and valid topics annually, either during or in addition to regularly scheduled in-service training.

#### **17.40.030 Career Paths**

The Career Development/Succession Program will be comprised of three career paths:

- A. **Proficiency:** Designed to provide training and experience to establish proficiency in an officer's current duties.
- B. **Specialization:** Directed toward a specific job function on which an officer wishes to focus and further develop expertise.
- C. **Succession:** To acquire the skills, knowledge, and abilities required to enhance opportunities for promotion.

#### **17.40.040 Career Counseling**

- A. The components of Career Counseling include:
  - 1. Skills, knowledge, and abilities (SKA's) assessment
  - 2. Career path analysis
  - 3. Plan of action for officers
- B. The Training Division shall be responsible for providing training and orientation to all supervisors regarding career counseling, which will occur in conjunction with annual evaluations. Supervisors conducting career counseling activities will be trained in the following topics:
  - 1. Counseling techniques
  - 2. Skills, knowledge, and abilities (SKA) assessment techniques
  - 3. Salary benefits and training opportunities that are available
  - 4. Educational and incentive program opportunities
  - 5. Cultural and ethnic background awareness
  - 6. Record keeping techniques
  - 7. Career Development programs in other jurisdictions
  - 8. Availability of outside resources
- C. Supervisors providing career counseling will use a checklist to assess the effectiveness of the career counseling process and measure an officer's level of performance in the program. The checklists will contain the following elements:
  - 1. A time table for performing key activities relative to the officer's career path

2. A self analysis of skills, knowledge, and abilities
  3. Counselor rating criteria and evaluation. The existing employee evaluation program meets these requirements.
- D. The Personnel Section will maintain inventories of skills, knowledge, and abilities (SKA's) of every officer. The inventory will include the officer's educational background, completed training, work experience, and other special skills.
1. The officer shall be responsible for providing the Personnel Section with the above information as it is acquired or achieved.
  2. The officer may be required to provide documentation of training.
- E. The Personnel Section will maintain on file all specialized assignments and the skills, knowledge, and abilities (SKA's) for each. SKA's may be determined by the most frequently performed tasks of a specialty and the knowledge required to perform specific duties:
1. Combined with pertinent job analysis data, the personal inventory may be used in the determination of training requirements or career paths.
  2. It shall be the responsibility of the division/unit commander to provide the Personnel Section with the job analysis data.

**IMPORTANT: In all cases, the department will adhere to applicable federal, state, and local privacy, security, and freedom of information requirements.**

#### **17.40.050 In-Service Training**

In-service training will be provided to all officers.

A. Types of Training:

1. Basic Training
2. Roll-call training
3. Proficiency training
4. Advanced officer training
5. Specialized officer training
6. Promotional training
7. New supervisor training
8. Remedial training
9. Advanced management techniques

- B. Supervisors will annually review their command to assess training as it relates to officers' career goals. Training may be provided through a variety of resources that include, but are not limited to:
  - 1. Tennessee Law Enforcement Training Academy
  - 2. Metropolitan Police Academy
  - 3. FBI National Academy
  - 4. Accredited educational institutions
  - 5. Private industry
  - 6. International Association of Chiefs of Police
  - 7. Other police agencies or professional police organizations
- C. Proficiency training is training designed to keep personnel up to date on job duties and responsibilities. Proficiency training will be used to enhance the personnel skills and enhance the potential of lateral and upward mobility within the department. **Personnel may be required to participate in remedial proficiency training as a part of Career Development.**
- D. Specialty Training will be provided to personnel after their transfer to a specialized assignment to enhance the individual's job knowledge and potential for upward mobility within the department.
- E. Promotional Training will include training designed to enhance the supervisory and/or management skills of all personnel. Supervisory and management training is vital to all personnel in supervisory or management positions, or those individuals working toward such career goals. Management training will include, but not be limited to:
  - 1. Management information systems
  - 2. Fiscal management
  - 3. Organizational behavior
  - 4. Decision making
  - 5. Basic supervision
  - 6. Communications skills
  - 7. Human resource management
- F. Advanced management training shall be made available to the appropriate level of supervision or management to impart higher levels of training to participants who possess exceptional leadership abilities.

#### **17.40.060 Records Management**

The Administrative Services Bureau shall be responsible for maintaining records of all proficiency, career specialty, management, or supervisory

training received by every member of the department. An annual inventory of resources used to develop in-service training for the Career Development Program will be maintained by the Career Development Officer.

A. Information about training will include at minimum:

1. Course title
2. Type of training
3. Source of training
4. Date(s) and time(s) of training
5. Course performance, certificate, skills, or honors achieved

B. An annual review of the employee's in-service training record will be conducted by the employee and their immediate supervisor/counselor in order to assess the training progress of each employee in achieving career objectives and if the training adequately assisted in the development of the employee's skills, knowledge, and abilities, (SKA's) or is justified by business necessity.

#### **17.40.070 Lateral Movement Policy**

A. While lateral movement is considered a desirable part of an employee's career development, it is the prerogative of management to assign employees when and where they are needed. The operational needs of the department shall take priority in all lateral movement decisions.

B. As with all other selection decisions, lateral movement decisions shall be made without regard to race, color, sex, political affiliation, religion, national origin, age, or marital status, unless there is a job related requirement.

C. Lateral movement may be described in terms of temporary assignment (as in a job rotation as part of career development) or in terms of transfers. Lateral movement is one of several components of the Career Development Program. It provides employees with opportunities for individual and professional growth and development which can lead to improved job performance, job satisfaction and improved chances for upward mobility.

1. Lateral movement is movement between a basic assignment and a specialized assignment or between two specialized assignments. It involves no change in rank or pay and may occur at the initiative of the department or at the request of the employee.

2. Transfers are lateral movements of an employee in which the assignment has an unlimited duration.
3. Temporary assignment is lateral movement of an employee for training purposes or to fill a position on a temporary or emergency basis on an expected duration.
4. Specialized assignments are assignments that usually require specialized skills and are considered more desirable.

**17.40.080 Procedures Concerning Lateral Movement**

- A. All components shall identify, in their procedures, positions that fit the definition of specialized assignment and specify the skills, knowledge, and abilities, education, and experience necessary to perform the job. The unit procedures shall identify also any specialized training within a specified amount of time of the employee's assignment to the position.
- B. When a specialized assignment opening occurs, the component shall ensure that the selection process is applied to all eligible applicants and that the results, including evaluation documentation, are forwarded through the chain of command and MNP Human Resources Unit
- C. In general, when a component is able to meet its minimum staffing requirements, it is encouraged to allow interested employees to be temporarily assigned to other divisions/units. This will afford an employee an opportunity for individual growth as well as improved job performance and satisfaction. Patrol officers in particular can gain significant experience by being temporarily assigned to Criminal Investigations Divisions.
- D. Employees wishing to gain additional experience may request temporary assignment to another component by submitting a request in writing through the chain of command to their commander. The expected duration of the assignment shall be included.
- E. Concurrence from both the employee's commander and the commanding officer of the component to which the employee is requesting temporary assignment are necessary for the assignment to be made.
- F. If the temporary assignment is granted, the written request shall be forwarded to the Career Development Officer along with a worksheet change from the component receiving the employee.

**17.40.090 Educational Leave**

- A. Leave for educational purposes will be classified under administrative leave and all applicable Civil Service and departmental rules and regulations will apply. Leave may be authorized for attending outside workshops, seminars, state training academies, or formal educational programs. The department may support the employee who pursues the educational opportunity by providing flexible work schedules where possible.
- B. Application for leave or shift adjustments shall be made through the chain of command up to the Bureau Commander who, upon approval, will submit the application to the Chief of Police for final approval.
- C. The application shall include a justification of the subjects to be studied and their relationship to the employee's career development and job relationships, as well as the need for a shift exception.

**17.40.100 Education Incentives**

- A. The Metropolitan Police Department currently offers monetary educational incentives in the form of 3% for an Associate's Degree and 6% for a Bachelors Degree. Other educational incentives are those described in the promotional ladder as prerequisites for promotion. This department encourages continuous education.
- B. The Metropolitan Police Department encourages continuous education. For promotion to Police Captain or above, the candidate must have at minimum of a Bachelors Degree from an accredited college or university as established by the Civil Service Commission.



## **Title 18: Field Operations**

### **18.10 Traffic Enforcement**

#### **18.10.010 Generally**

The Metropolitan Nashville Police Department recognizes the importance and value of a diligent, concentrated enforcement strategy targeting speeding, impaired driving, and motor vehicle occupant safety. Traffic enforcement shall be a high priority in the department's efforts to reduce motor vehicle crashes, property damage, personal injury, and traffic related fatalities. To that end, MNPD personnel shall adhere to the provisions herein with respect to:

- A. Identifying violations;
- B. Stopping and approaching traffic violators;
- C. Accurate identification of the cited person; and
- D. The issuance and processing of traffic citations.

#### **18.10.020 Bearing and Appearance**

##### **A. Professional Manner**

Employees of the department making enforcement contacts shall be professional in their appearance, language, and bearing and exhibit emotional self-control. Employees shall be courteous, civil, and respectful to all persons, and shall not argue with individuals stopped for enforcement activities.

##### **B. Direct Communication**

Enforcement action should be made through direct verbal communication between departmental employees and violators. Gestures, signals, and other forms of non-verbal communication should be avoided unless necessary due to exigent circumstances.

#### **18.10.030 Procedures for Enforcement Contacts**

The public expects and deserves to be treated with courtesy and respect. Department personnel must balance these concerns with the need for caution and the detection of criminal activity. Department personnel shall comply with the following guidelines when stopping violators, stopping to assist stranded motorists, checking abandoned vehicles, or in other similar and potentially hazardous situations:

**A. Legal Basis for Stop**

All vehicle stops shall be based upon at least reasonable suspicion, probable cause, or other authorized procedures.

**B. Preparation**

Have the necessary equipment available and ready for use (i.e., radio, flashlight, emergency equipment, citation books reports). If an officer is involved in a prolonged traffic enforcement action, the officer shall wear their reflective traffic vest.

**C. Location**

When possible, select a location for the enforcement contact that is reasonably conducive to safety; e.g. wide shoulders, unrestricted visibility, and artificial lighting when dark.

**D. Recording the Stop**

1. Preferably, officers shall verbally check-out via radio communication with the Emergency Communication Center on all traffic stops of an enforcement or investigative nature. If necessary due to radio traffic or radio frequency closure, officers may check out via Mobile Data Computer.
2. Officers shall use the proper radio code to inform the dispatcher that an enforcement contact or check of an abandoned vehicle will be initiated.
3. After the code is acknowledged, the following information should be reported to the dispatcher when applicable:
  - a. Location and direction of travel;
  - b. Vehicle description and vehicle license information;
  - c. The apparent number of occupants; and
  - d. Any other information deemed relevant by the officer.

**E. Stopping the Violator**

1. Using a Marked Police Vehicle

Traffic stops should be made using the police vehicle's emergency blue lights, flashing headlights, emergency flashers, horn, and, if necessary, siren. The public address system can be used to direct the actions of the violator from a safe distance. The spotlights or hazardous warning lights should not be used to signal violators to stop due to the possibility of temporary blindness of the violator and other motorist due to the glare created by these lights.

**2. Using an Unmarked Police Vehicle**

- a. If a driver is unwilling to stop for an unmarked vehicle, the officer will not force a stop. The officer will give the driver reasonable time to find a comfortable or safe place to stop. If the officer feels the driver had this opportunity, and the driver is not going to stop, the officer will call for a marked unit to help make the stop.
- b. Officers shall not attempt to make traffic stops in their personal vehicles.

**F. Positioning of the Police Vehicle**

1. Unless circumstances require otherwise, the police vehicle should be positioned behind and slightly to the left of the violator's vehicle. The police vehicle should be pointed slightly to the left with the front wheels turned to the left to provide a safety lane and defensive cover.
2. Motorcycle officers should position their motorcycle behind and pointed slightly to the right of the violator's vehicle. Motorcycle officers should then dismount from the right side of the motorcycle and, if necessary, use the motorcycle for cover.

**G. Approaching the Violator**

After stopping the police vehicle, personnel should remove their safety belt and exit the police vehicle prior to allowing violators to exit their vehicle. Personnel should not remain seated as a violator walks back to the police vehicle. Personnel should also:

1. Vary their approach to violators and the violator's vehicle as appropriate for the situation;
2. Turn on their portable radio;

3. Monitor the activity of the occupants in the vehicle and do not place themselves in a position of tactical disadvantage;
4. Position themselves and any persons with whom they are in contact in a reasonably safe location, if possible. Under ideal conditions, the violator should be told to remain seated in the vehicle. However, if he/she insists upon getting out or staying out of their vehicle, have him/her stand on the curb side of the vehicles, **never** between the vehicles and **never** on the roadway. The violator should not be allowed in the front seat of the police vehicle. Consistent with current legal and training standards, nothing herein will prevent an officer from removing the violator or other occupants from a vehicle while conducting a traffic stop;
5. As circumstances make it appropriate, contact the violator and identify themselves and the reason for stopping the violator. At no time shall employees argue with the violator;
6. Ask for the violator's drivers' license and any other necessary documents. If a violator's Social Security number is listed on their operator's license, the officer **shall not** include this information on the citation. Therefore, the Social Security number section on the citation shall be left blank;
7. Be observant for any indications or evidence of criminal activity, signs of physical impairment, or alcohol or drug use;
8. Initiate checks as soon as possible to ensure the subject(s) are not wanted and have legitimate possession of the vehicle;
9. Determine the appropriate enforcement action to be taken based on applicable laws and directives, available information, training, and experience. Officers have the discretion to issue warnings or to arrest/cite the violator;
10. Complete any required forms and explain the violation(s) and all actions required of the violator; and
11. A Vehicle Stops Data MNPDP Form 252 shall be completed for all officer initiated vehicle stops (moving traffic violations, equipment violations, and investigative stops based on reasonable suspicion or probable cause of criminal conduct).
12. A printed receipt of the MNPDP Form 252 shall be provided to the violator for warnings where no citation is issued.

#### H. Post-Action Contact

1. After an enforcement contact from which the violator will be released, personnel should remain in the area until the violator has re-entered the traffic flow safely to ensure the violator is not inadvertently left stranded.
2. Personnel should then advise the Emergency Communication Center via the radio or Mobile Data Computer that the contact with the traffic violator has been terminated.

#### I. Issuance of Traffic Citations – Requirements and Exemptions

Officers shall base warnings or enforcement actions on the circumstances of the violation and not on the physical or personal attributes of the violator. Officers may warn or cite a violator in any combination where incidents involve multiple infractions.

1. When issuing citation(s), officers shall ensure the violator is provided the following information:
  - a. The charge(s);
  - b. The option of requesting a court hearing;
  - c. If a court appearance is mandatory for any charge;
  - d. If he/she is allowed to enter a plea and/or pay the fine by mail or at the Traffic Violations Bureau; and
  - e. That their signature is not an admission of guilt.
2. If the violator refuses to sign the citation, the following procedure shall be followed:
  - a. Officers shall write on the signature line “Refused to Sign—Copy Issued”, and make a reasonable effort to ensure that the violator receives a copy of the citation.
  - b. If the violator refuses to accept the copy, the officer shall make a reasonable effort to explain that a failure to respond to the citation within forty-five (45) days will result in sanctions imposed by the court.

- c. If the violator continues to refuse his/her copy of the citation, the officer shall attach the violator's copy to the original (white copy) with a notation that the violator refused to accept the citation, and all copies will be processed according to current procedure.
  - d. The violator will be released from the stop unless further action is taken subsequent to sections e. or g. below.
  - e. If it is necessary and appropriate, an officer may issue a State Misdemeanor Citation for those offenses which are also State Misdemeanor Offenses.
  - f. At no time shall an officer issue a traffic citation and a State Misdemeanor Citation for the same violation. Likewise, if the violator has refused to sign a completed traffic citation, the officer shall not issue a State Misdemeanor Citation for the violation, but shall follow the procedure outlined items "a" through "d" above.
  - g. When an officer determines that the circumstances surrounding a refusal to sign a citation for a violation of a Metro Ordinance warrant further consideration, they should seek supervisory guidance in determining the best choice of available options.
3. Whenever a person is stopped for a violation of T.C.A. Title 55, Chapter 8 (Rules of the Road); Chapter 9 (Equipment); Chapter 10, (Accidents, Arrest, Traffic Crimes and Penalties); or a violation of any Metropolitan traffic ordinance, the officer **shall** issue a traffic citation (**in lieu of custodial arrest**) to such person, unless the violator falls into one of the exceptions listed below:
- a. **No citation shall be issued for any traffic violation if:**
    - 1) The person demands an immediate appearance before a magistrate or judge; or
    - 2) When the person is arrested upon a charge of criminally negligent homicide, voluntary manslaughter, or murder; or
    - 3) When the person is arrested upon a charge of driving while under the influence of intoxicating liquor or narcotic drugs unless the offender was admitted to a hospital, or detained for medical treatment for a period of at least three (3) hours for injuries received in a driving under the influence incident; or

- 4) When the person is arrested upon the charge of failure to stop in the event of accident when such person knew or should reasonably have known that death resulted from the accident; or
  - 5) When the person arrested refuses to give written promise to appear in court and cannot provide satisfactory identification. Satisfactory identification will be defined as listed in sub-section O detailing identification of offender outlined in this directive; or
  - 6) The person is subject to arrest pursuant to § 55-10-119; or
  - 7) Departmental policy on State Misdemeanor Arrest Citations will be followed and the necessary documentation will be noted if a custodial arrest is made based upon any of the above exceptions.
- b. Violations of **state** laws that carry the penalty of a jail sentence and/or suspension or revocation of driving privileges shall be **prosecuted through a misdemeanor arrest or misdemeanor arrest citation and not on a Metropolitan traffic citation.**

Examples of such offenses include the following:

- 1) Driving under the influence;
  - 2) Leaving the scene of an accident;
  - 3) Failure to report an accident;
  - 4) Reckless driving;
  - 5) Drag racing;
  - 6) No driver license;
  - 7) Driving on a revoked, suspended, or canceled driver license;
  - 8) Other offenses that include the penalty of a jail sentence or suspension or revocation of drivers license which are now in effect or may be enacted in the future; and/or
  - 9) The person is subject to arrest pursuant to § 55-10-119.
- c. Article 18.10.040, Section I, Sub-section 3, Paragraph b, Part (4) shall not be interpreted as prohibiting officers from prosecuting drivers for violation of Metropolitan Code 12.68.180, Reckless Driving.

- d. Nothing herein shall be interpreted as prohibiting an officer from issuing citation(s) pursuant to an arrest for an outstanding warrant.

**J. Driver Re-Examination**

Routine traffic law enforcement may lead to the discovery of a driver who may be incapable of exercising reasonable and ordinary care over the operation of a motor vehicle. An officer may request a re-examination of any Tennessee licensed driver who appears incapable of safely operating a vehicle by completing State Form TDS-D1-19, SF-0365. This form must be completed and returned to the Tennessee Department of Safety.

**K. Off-Road Vehicles**

1. Consistent with T.C.A. 55-8-185 and T.C.A 55-10-206, it is unlawful for any person to operate a motor vehicle on private property for the purpose of testing or demonstrating driving skills or ascertaining certain vehicle endurance factors, unless the consent of the owner or person in control of the property has been granted for such activities. Such driving skills and vehicle endurance factors include, but are not limited to, cross country driving, drag racing or testing the motor vehicle's capabilities over natural, rough, or muddy terrain.
2. It is illegal to operate any type of unlicensed vehicle on a public roadway. Officers making contact with violators have the discretion of allowing the violator to remove the vehicle or having the vehicle towed as per current policy. Officers should take into account such things as the age of the violator, nature of the violation, and the violator's previous record in making a final determination regarding what enforcement action to take.
3. In respect to crossing the highway, off-road vehicles are authorized to drive across on two stipulations. On a two lane highway, an off-road vehicle may cross at an angle of approximately ninety (90) degrees to the direction of the roadway and at a place where a quick a safe crossing may be made. On highways greater than two lanes, off-road vehicles may **only** cross at a place designated by the department of transportation or local government authorities.



L. Parking Violations

Officers shall enforce parking violations when appropriate, and especially when traffic flow and safety considerations warrant. Established departmental policy and procedure concerning vehicle impoundment will be followed.

M. Claims of Immunity

Persons may occasionally claim “immunity” from arrest.

1. Legislative arrest immunity is applicable only when the General Assembly is in session, and when the legislator is going to and returning from the session. There is no legislative immunity for a felony or breach of the peace. Furthermore, **legislative arrest immunity does not apply when legislators are issued traffic citations.**
2. **Complete** immunity from arrest or detention exists for:
  - a. A diplomatic agent who is the head of a mission or member of the diplomatic staff of a mission. A mission is a body of persons sent to conduct negotiations or establish relations with a foreign country;
  - b. Family members of the diplomatic agent;
  - c. Members of the administrative and technical staff of the mission. These persons are employed in the administrative and technical service of the mission; and
  - d. A diplomatic courier while in possession of a diplomatic bag and official documents indicating his/her status.
3. Under normal conditions military personnel have no immunity. However, state law specifies that except for the commission of treason, a felony, or breach of the peace, the officers and enlisted personnel of the National Guard shall be exempt from service of civil process and from arrest while actually engaged in the following activities:
  - a. Drill;
  - b. Instruction;
  - c. Voluntary aid and assistance; or
  - d. Other military duty.

**N. Residency Requirement**

When analyzing the circumstances to determine if an arrested person is eligible to receive a citation, there are no strict residency or employment requirements. A citation may be issued to a person who does not live or work in Davidson County unless prohibited by statute, by this order, or for any other reason consistent with this order.

**O. Identification of Offender**

1. The Metropolitan Nashville Police Department recognizes that a critical problem exists in the use of assumed or fictitious names by arrested persons. Therefore, satisfactory identification is required from any person before he/she receives a traffic citation. Because a traffic violation is generally committed while driving an automobile, a **valid** driver license is the preferred type of identification required from an arrested person. Valid documents bearing a recognizable photo of the person stopped may also be utilized in the determination of identity (e.g. government employee or military identification, student identification, etc.).
2. Other items of identification are to be considered satisfactory, but less reliable than photo identification. Such satisfactory items would include but limited to:
  - a. Computer verified information,
  - b. Vehicle registrations and titles,
  - c. Government food or housing documents,
  - d. Voter registration cards,
  - e. Club/fraternal/service organization membership cards,
  - f. Social security cards,
  - g. Birth certificates,
  - h. Jail identification,
  - i. Parole/probation documents, and
  - j. Rent or utility receipts.
3. Nothing herein shall prohibit the issuance of a citation when an officer uses investigative skills, interview techniques, or personal

knowledge of an arrested person to satisfactorily identify that person. However, officers must be able to articulate their reasons for issuing a citation in the absence of identification required by these provisions, or obtain supervisory approval. Misidentification could result in civil liability to the employee and/or department.

4. **Any citation that is issued**, and later determined by appropriate authority to be **in a fictitious or assumed name, will be brought to the attention of the issuing officer and the approving supervisor**. The reviewing authority will discuss with those employees the identification procedures used at the scene of the incident. The employees shall make every effort to correct the documents in question, and **will be held accountable for the identification requirements mandated herein**.

P. Driver License Confiscations

1. The Tennessee Code Annotated authorizes local law enforcement agencies to confiscate Tennessee driver licenses that are currently revoked, suspended or canceled.
2. The statute applies only to Tennessee driver licenses, not licenses issued by other states, and not items listed as "identification only", even though they may be revoked, suspended, or canceled. More specifically, licenses that are valid, restricted, expired, medical, eligible for reinstatement, valid photo card mailed, moved from Tennessee, or expired-medical, will not be confiscated.
3. Officers should refer to current Department Policy addressing the collection of evidence and property for additional information on the confiscation of drivers' licenses.

**18.10.040 Use of Speed Measuring Devices**

The commander of the Community Services Bureau will cause to be established a standard operating procedure for the use of speed measuring devices. These devices should be used primarily at those times and locations with a high incidence of speed-related accidents and in conjunction with community problem solving efforts.

- A. Equipment specifications will be governed by department procurement procedures and will be developed and updated in conjunction with Traffic Section personnel.

- B. All repairs shall be coordinated through the Traffic Section and will be completed by the manufacturer of the speed measuring device or an authorized service center.
- C. Each component, to which a device is assigned, will maintain a record of repair, maintenance, and calibration for each assigned unit. Each device will be recertified equivalent to the standards published by the National Highway Traffic Safety Administration.
- D. The Traffic Section will have personnel trained as speed measuring device instructors and will conduct training as necessary. This training will be equivalent to the standards promulgated by the National Highway Traffic Safety Administration and will specify operational procedures and operator certification requirements. No employee will be certified to operate any speed measuring device without demonstrating competence to the satisfaction of the instructor.

**18.10.050 Specific Provisions Regarding Juvenile Violators**

- A. Pursuant to T.C.A. Section 37-1-146(c), and by order of the Davidson County Juvenile Court, the Metropolitan Nashville-Davidson County Juvenile Court has waived jurisdiction of all traffic violators who are sixteen (16) years of age or older at the time the offense is committed. These cases shall now be processed and disposed of in the manner prescribed by law for adult offenders. Traffic Court will now process traffic citations for violators' ages sixteen (16) and seventeen (17) years old. Juvenile Court will continue to handle traffic citations for violators' ages fifteen (15) years old and younger.
- B. Juveniles charged with traffic-related delinquent offenses will be handled by Juvenile Court. The juvenile's age and specific offense are the determining factors whether to issue a Metropolitan traffic citation at the scene or take the juvenile into custody.
- C. The following alternatives exist for personnel to prosecute juvenile traffic violators:
  - 1. Licensed juveniles sixteen (16) and seventeen (17) years old should be issued a traffic citation.
  - 2. All juveniles fifteen (15) years old and younger may be either issued a traffic citation or taken into custody and transported to Juvenile Court. This is a discretionary function of the arresting officer. A traffic citation is appropriate, for a minor offense, unless the offense(s) committed include any violation listed in subsection three below.

3. All juveniles, regardless of license status or age, must be taken into custody and transported to Juvenile Court for the following offenses:
  - a. Driver license not on person;
  - b. Drag racing;
  - c. Driving under the influence;
  - d. Leaving the scene of an accident;
  - e. Duty to give information or render aid in accident;
  - f. Duty upon striking fixtures upon a highway;
  - g. Immediate notice of accident over \$50.00 (failure to report); and
  - h. Failure to file a written report of accident to the state (over \$1,500 damage).

#### **18.10.060 Processing Citations**

All traffic citations shall be processed in accordance with the following provisions:

- A. Traffic citation books are distributed by the Traffic and Parking Violations Bureau. All traffic citation books will be inspected for proper numbering and printing by the officer receiving the citation book. A receipt bearing the signature of the officer will be retained by the Traffic and Parking Violations Bureau.
- B. Traffic citations shall be given to a supervisor for departmental mail processing.
- C. The original traffic citations (white copies) shall be deposited in the Traffic Violations lockbox in the Records Section of the MNPd for pick-up by employees of the Traffic and Parking Violations Bureau.

#### **18.10.070 Intervening in Citations/Arrests**

- A. Employees **shall not** intervene in, or request intervention in, the processing or adjudication of any citation or arrest, unless the proper authorization from the employee's chain of command has been issued.
- B. If, in the course of official duties, a member of the MNPd must intervene on an individual's citation or arrest in a manner other than normal court procedures in exchange for cooperating during an

ongoing investigation, prosecution or other authorized purpose, the requesting member shall:

1. Request such action in writing including all supporting documentation,
2. Forward the request through his/her authorized chain of command to their Bureau Commander or appropriate Executive Staff member for consideration.

**18.10.080 New Laws**

All officers shall remain knowledgeable of all newly enacted traffic laws, ordinances, and regulations; enforcing them when appropriate.

## **18.20 Traffic Crash Investigation and Reporting**

### **18.20.010 Generally**

It is the policy of the Metropolitan Nashville Police Department (MNPd) that all personnel adhere to the provisions herein regarding traffic crash investigation and reporting.

### **18.20.020 Traffic Crash Response, Investigation, and Reporting**

The investigation and reporting of traffic crashes within Nashville-Davidson County shall generally be the responsibility of the Patrol Division, the Traffic Section, and any components organized for special traffic duties. The investigation and reporting of traffic crashes shall be as follows:

#### **A. Traffic Crash Response**

Tennessee Code Annotated Section 55-10-106, requires that drivers of vehicles involved in traffic crashes resulting in death, injury, or property damage of fifty dollars (\$50.00) or more immediately notify the nearest law enforcement agency. It shall be the policy of this department to respond to traffic crashes in Nashville-Davidson County occurring upon public highways and public premises.

#### **1. General Response**

Response to crashes shall be in accordance with current departmental policy. Officers shall proceed as authorized by the dispatched response code to investigate traffic crashes involving any of the following:

- a. Death or injury;
- b. Hit and run;
- c. Impairment of an operator due to alcohol or drugs;
- d. Damage to public vehicles or property;
- e. Placarded vehicles with a cargo of hazardous material that have the potential to leak, spill, or discharge hazardous material;
- f. Disturbances between drivers;
- g. Major traffic congestion due to the crash; or
- h. Damage to vehicles to the extent towing is required.

## 2. Weather/Disaster Condition Response

During times of snow, icy roadway conditions, or other disaster type situations where there are a large number of crashes that overwhelm available police resources, the Precinct shift commander or a member of the Field Supervisor Section, may notify the Emergency Communication Center (ECC) shift supervisor to impose the following limitations:

- a. Prioritize calls based upon the severity of the crashes, instructing officers to respond to major crashes first; and
- b. If the workload is extremely heavy, and there are no available units to dispatch, advise dispatchers to inform drivers (complainants) involved in minor crashes to exchange information. Complaint clerks shall explain to complainants/drivers the reasons why a police response/investigation cannot be immediately made.
- c. Use of these alternatives to avoid responding to crashes shall be strictly prohibited.

## B. First Officer at Crash Scene Responsibilities

The responsibilities of the first officer to arrive at the scene of a crash shall include, but are not limited to the following:

1. Administering emergency medical care (first-aid) and providing basic life support;
2. Summoning additional assistance such as ambulances, the fire department, wreckers, additional officers, etc.;
3. Protecting the crash scene;
4. Preserving short-lived evidence;
5. Establishing a safe traffic pattern around the scene;
6. Locating witnesses and recording crash information; and
7. If appropriate, expediting the removal from the roadway of vehicles, persons, and debris.



**C. Officer in Charge**

1. When more than one officer or other responders are at the crash scene, appropriate protocol must be followed to determine who is in charge, and to ensure that all required tasks are carried out.
2. The first officer on the scene is expected to take charge of the crash scene immediately upon arrival, and will retain charge of the scene until the completion of operations. Exceptions include subsequent arrival at the scene by supervisory personnel, or by other officer(s) whose primary responsibility is to investigate traffic crashes.
3. Some crashes will require that Incident Command be established. When Incident Command has been established, officers will coordinate police department responsibilities and duties with the other agencies on the scene as directed by the Incident Commander. Officers of this department are expected to cooperate with the personnel of other agencies that might have occasion to respond to the same crash scene.
4. Officers involved in traffic crashes will, to the extent possible, exercise charge over the crash only until the arrival of another officer or supervisor, to whom the responsibility will be surrendered.

**D. Crash Scene Control**

1. The first responsibility of officers responding to a crash scene is to keep the situation from worsening. This responsibility may become more important and complex when injuries, actual or potential fire hazards, or hazardous materials are present. It may be necessary for officers to perform special activities and to coordinate actions with other public safety agencies.
2. In some cases, traffic direction and crowd control may be all that is necessary to protect the public. Regardless, priorities for action may be affected by the extent and nature of the hazards present.

**E. Personal Injuries**

1. Officers arriving at the scene of a traffic crash involving personal injury or complaint of injury shall advise the dispatcher to notify the Metro Fire Department that emergency medical units are needed, if those units have not already been dispatched. Immediate first-aid shall be given to victims until the arrival of medical units.

2. After medical units have arrived, officers, in addition to other investigative and traffic control duties, shall offer assistance to medical personnel, if needed. In the event of mass traffic casualties, the Behavioral Health Services Division may be contacted for victim counseling or family member notifications.

#### F. Fire Hazards

Officers arriving at the scene of a traffic crash where a fire exists or there is a potential fire hazard (spilled gas, chemicals, sparking power lines, etc.) shall advise the dispatcher to notify the Metro Fire Department. In addition, the following steps shall be taken:

1. If appropriate, injured victims shall be carefully removed from the hazard area;
2. All other persons in the immediate areas should be evacuated from the hazardous area. Officers shall isolate the area to prevent unauthorized persons from entering; and
3. Officers shall arrange for, or attempt to, control fires when practical until the arrival of the Metro Fire Department.

#### G. Hazardous Materials

Officers arriving at the scene of a traffic crash involving hazardous materials shall immediately advise the dispatcher to notify the Metro Fire Department and the Office of Emergency Management. Hazardous material incidents will be handled in accordance with current departmental policy. If possible, the dispatcher will be advised of any placards on the crash vehicle so fire department personnel can respond in an appropriate manner.

#### H. Crash Investigation and Control-Equipment/Supplies

Equipment and supplies necessary for the investigation and control of traffic crash scenes shall be carried in each designated police vehicle as outlined in current departmental policy.

**NOTE: All MNPd personnel on the scene of a traffic crash, regardless of the job being performed, shall wear a reflective traffic vest. (Violation of this provision shall be a Category E offense.)**

I. Traffic Direction and Control

Traffic direction and control at the scene of a traffic crash shall be in accordance with current departmental policy.

J. Property Control

Officers at the scene of a crash shall ensure that property belonging to crash victims is protected from theft or pilferage and is removed to a place of safekeeping if the owner is unable to care for it. Generally, vehicles and their contents shall be removed in accordance with inventory and towing procedures outlined in current departmental policy.

K. Emergency Traffic Control

1. Officers responding to a crash scene shall make note and advise the dispatcher of any defect, unsafe, or dangerous condition of any street, alley, sidewalk, or highway created by the downing or non-operation of any traffic control device or sign.
2. The officer shall then provide a warning to vehicular traffic of a dangerous traffic condition (i.e. a downed traffic signal, or sign), and provide proper traffic control. This can be accomplished by manually directing traffic or the placing of traffic cones or warning signs.
3. The officer shall be responsible for notifying the dispatcher of an inoperative traffic signal or sign.
4. ECC personnel shall notify the proper authority responsible for making repairs. ECC personnel should attempt to determine an estimated time of arrival for the agency making the repairs. If an estimated time of arrival cannot be determined, the dispatcher will notify the on scene officers so appropriate warning measures can be taken.

**NOTE: No hazardous situation shall be left unattended until repairs have been made or temporary measures have been taken to alleviate the dangerous condition before actual repairs commence.**

**18.20.030 Traffic Crash Documentation**

A. Traffic Crash Investigation and Reporting

After responding to a major traffic crash, an investigation will be conducted. Subsequent to such investigations, a written report shall be completed and forwarded to the Records Division for further processing. The extent to which the investigation and reporting are taken shall depend on the seriousness of the crash.

1. Officers of the Traffic Section shall be utilized in traffic crashes involving fatalities or life-threatening injuries. If an officer not assigned to the Traffic Section responds to a fatal or life-threatening traffic crash, that officer will be responsible for notifying their supervisor. The supervisor shall send an officer to the hospital where the victim was transported to verify his/her medical condition. If the victim has fatal or life-threatening injuries, the Traffic Section supervisor shall be notified and a crash investigation unit shall be dispatched to respond to the scene. The crash scene will be secured pending the arrival of Traffic Section personnel, unless otherwise authorized by the Traffic Section supervisor. Extensive and detailed investigations shall be made of all major crashes. Major crashes include, but are not limited to, crashes involving:
  - a. Death or injury;
  - b. Property damage in excess of \$1,500.00;
  - c. Hit and run drivers;
  - d. A driver under the influence of alcohol/drugs; and/or
  - e. Placarded vehicles with a cargo of hazardous materials that have the potential to leak, spill, or discharge hazardous material.

## 2. Reporting Minor Crashes

Generally, minor crashes, those with no injuries and less than \$1,500.00 property damage, do not require extensive and detailed investigation. In these incidents MNPDP Form 107-F, Minor Damage Accident Report, may be completed.

## 3. Crash Documentation

All traffic crash investigations shall be documented in a written report as follows:

- a. All major traffic crashes, shall be investigated and documented using the Tennessee Uniform Traffic Crash Report. All related forms, authorized and issued by the State of Tennessee, shall be completed in accordance with the Tennessee Uniform Traffic Crash Report Officer's Manual, published by the Tennessee Department of Safety. Officers shall use the proper forms issued by the state, unless the state does not provide an applicable form. If no applicable form is issued by the state, the Traffic Commander will be responsible for designing, receiving proper approval, and making the form available to all department personnel.
- b. Minor traffic crashes may be reported on MNPB Form 107-F, Minor Damage Accident Report. Reports shall indicate identification information for drivers, vehicles, and location.
- c. Test results for blood alcohol/drug content shall be included in crash investigations or submitted at a later date as a supplement to the crash report.
- d. Depending on the seriousness of a crash, a case or incident file may be established containing written statements, supplemental reports, lab reports, photographs, and other documentation. These files will be maintained by the Traffic Section.

#### 4. Traffic Crashes Occurring on Private Property

Regulations governing traffic crash investigation and reporting are not applicable to crashes occurring upon the premises of any shopping center, trailer park, apartment house complex, or business park, etc. Generally, officers will not investigate or report crashes that take place on private property unless one or more of the following criteria are present:

- a. Bodily injury or the death of any person;
- b. Vehicle crashes where one or more parties may be impaired;
- c. Vehicle crashes involving Metropolitan Government vehicles;
- d. Crashes that result from the commission of a criminal offense;
- e. Crashes that result from any pursuit;
- f. Hit and run crashes where suspect information is known; or
- g. Any crash that involves a serious disturbance, potentially violent arguments, disturbance or confrontation involving principles or other persons present at the scene.

If an officer is in doubt about investigating or reporting a traffic crash on private property, his/her supervisor should be contacted for assistance or advice.

## **5. Delayed Reports**

Generally, officers will refrain from investigating or reporting crashes in which all participants have departed the crash scene prior to arrival of the investigating officer, unless the crash resulted in injury or death, or the investigating officer's arrival has been substantially delayed by compelling circumstances.

## **B. On-Scene Information Collection**

The collection of crash data at the scene of a traffic crash is important for many purposes. Such data is used for crash classification systems as well as planning and coordinating crash prevention and enforcement programs. The information is also used to support the prosecution of traffic law violators.

Therefore, officers investigating and reporting traffic crashes shall collect all relevant information necessary for such uses. The information shall be obtained and recorded by:

1. Interviewing drivers and witnesses;
2. Examining/recording vehicle damage;
3. Examining/recording effects of the crash on the road surface;
4. Taking measurements, as needed;
5. Taking photographs, as needed; and
6. Collecting/preserving evidence.

## **C. Follow-Up Activities**

Depending on the severity of a crash, detailed collection of crash related information or close examination of information or evidence may not be possible at the scene of a crash.

### **1. Information Collection**

Officers assigned to investigate crashes shall be responsible for initiating follow-up investigations. Follow-up investigations shall include, but are not limited to:

- a. Collecting off-scene data;
- b. Obtaining and recording formal statements from victims, witnesses, and drivers;
- c. Arranging for reconstruction, if needed; and
- d. Preparing formal reports to substantiate any criminal charges.

## 2. Department Resources

Upon approval of the requested personnel's Shift Commander, officers shall have access to all department personnel with specialized skills in photography, reconstruction, evidence analysis, interviews, interrogations, etc., if the officer can show a need for such assistance.

## 3. Expert and Technical Assistance

The investigation of major traffic crashes may require expert or technical assistance from surveyors, mechanics, physicians, or other specialists.

- a. Basic analysis of blood samples and drugs may be obtained from the Tennessee Bureau of Investigation Crime Lab.
- b. The use of other government agencies including other departments of the Metropolitan Government may be requested with approval of the officer's supervisor.
- c. A list of Traffic Section personnel with special training and skills in traffic crash investigation shall be maintained by the Traffic Section. Upon approval of the Traffic Section Shift Commander, these personnel may be summoned for assistance.
- d. The use of outside experts and specialists may also be considered, however, their use shall require the approval of the Traffic Section or Community Services Commander or higher authority if it is likely their services will require monetary reimbursement.

## D. Traffic Law Enforcement

When an officer investigating a traffic crash detects a violation of a law or ordinance, and when evidence exists to satisfy the elements of the

violation, the investigator should take the appropriate enforcement action.

1. Misdemeanors

In crash cases, when violations are detected, responsibility for prosecution shall rest with the investigating officer.

2. Felonies

In crash cases involving life-threatening injury or death, and wherein felony charges that are traffic related may be placed, patrol officers shall summon Traffic Section personnel to assist in the investigation and prosecution of the felony traffic charges.

3. For crashes involving suspected DUI drivers investigating officers should reference the current policy governing Driving Under the Influence Arrest.

E. Impoundment/Towing of Crash Vehicles

1. Vehicles that are involved in life-threatening or fatal crashes may be impounded for investigation following current departmental guidelines on vehicle impoundment. Vehicles can be impounded if it is justified under the circumstances to collect/preserve evidence of a crime or if impoundment of the vehicle is otherwise absolutely necessary to expedite an enforcement or investigative action.
2. Vehicles that have been disabled due to a traffic crash will not be left disabled on the roadway or road shoulder. Current departmental guidelines on impounding vehicles will be followed if the driver of the vehicle cannot make arrangements for its removal.

F. Driver's Duty to Give Information

Tennessee Code Annotated Section 55-10-103 mandates that the parties involved in a traffic crash exchange information. Therefore, officers investigating a crash and completing the necessary reports shall encourage the involved parties to exchange information. This information includes the driver's name, address, the registration numbers of the vehicles involved, and the drivers' operator license numbers.

**18.20.040 Crashes Involving Police Vehicles**

- A. Traffic crashes involving police vehicles shall be investigated in accordance with current guidelines set forth in police vehicle policy and procedure. All



traffic crashes involving department vehicles or related equipment should be investigated by a member of the Traffic Section. ECC will notify the office of Risk Management of all traffic crashes involving injuries (10-46's). A member of the Community Services Bureau, but not the driver or passenger of the vehicle involved in the crash, may investigate the crash if an undue delay will be caused by waiting for Traffic Section personnel. An undue delay is defined as more than thirty minutes.

- B. If a crash involving police personnel occurs during a time when the Crash Investigation Unit is not working and one of the parties suffers serious or fatal injuries, the Crash Investigation Unit on-call supervisor shall be notified.
- C. The employee's on-duty supervisor, if available, shall respond to the scene to participate in and oversee the investigation. If the employee's immediate supervisor is not available then a supervisor from the precinct/section of the employee shall respond.
- D. The responding supervisor shall conduct a separate investigation and complete a supplement report stating that he/she:
  - 1. Responded to the scene;
  - 2. Participated with the investigation;
  - 3. Ensured the investigation was completed fairly and in accordance with all required laws and departmental procedures; and
  - 4. Is in agreement with the investigation officer's findings.

In the event an agreement between the responding supervisor and the investigating officer cannot be reached a Traffic Section supervisor shall respond to the scene. The Traffic Section supervisor shall review the incident with the investigating officer and responding supervisor and shall be responsible for the final determination.

#### **18.20.050 Review of Traffic Reports**

- A. Review of Traffic Crash Reports
  - 1. All Tennessee Uniform Crash Reports and related documentation will be forwarded to a sworn supervisor for review.
  - 2. The supervisor shall review these reports for timeliness, accuracy, legibility, and neatness, paying special attention to the contributing

factors, narrative, and diagram, ensuring that these areas do not contradict each other.

3. After the report has been reviewed and approved by the supervisor, the supervisor will sign the report. That signature means the supervisor has reviewed the report for the above mentioned areas.

## B. Release of Information on Traffic Crash Reports

### 1. Critical and Fatality Reports

Through arrangement with the Office of the District Attorney General for Davidson County, Tennessee, the police Records Division stores original crash reports and supplemental reports when a critical injury or fatality has occurred that may result in a felony prosecution.

These reports are limited in their general distribution and inspection to the original investigator, his/her approving supervisor as so signed upon the report, and authorized members of the Office of the District Attorney. The final authority in release matters for said crash reports shall be the Office of the District Attorney General for Davidson County.

### 2. Property Damage Crashes

As a rule, these matters are open for public inspection or sale, unless otherwise indicated on the report.

### 3. Personal Injury Crashes

These matters are open for public inspection or sale, unless otherwise indicated on the report. Charges of driving under the influence are not felony charges, and will not prevent the inspection or sale of this document. **Arrest reports and associated chemical test result sheets will not be sold with the crash report, and will be treated as elements of an ongoing investigation until final adjudication has occurred.**

## **18.30 Traffic Direction and Control**

### **18.30.010 Generally**

- A. It is the policy of the Metropolitan Nashville Police Department that all personnel adhere to the guidelines and policies established herein for the safe and efficient direction and control of vehicular traffic.
- B. The manual direction and control of traffic is an everyday concern of the department. Whether a hazardous situation (fire scene, crash, weather, or road conditions), or specific event (parades, sporting events), employees shall utilize departmentally approved techniques for the direction and control of traffic.

### **18.30.020 Procedure**

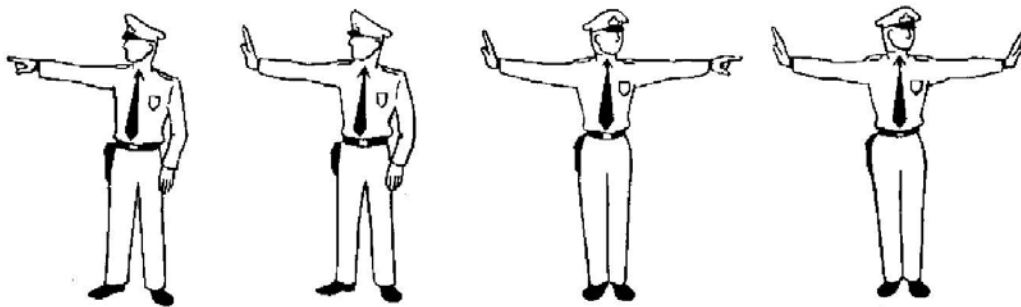
- A. High Visibility Clothing
  - 1. The department provides reflective vests to personnel assigned to perform scheduled manual traffic direction and control functions. Personnel shall wear such high visibility reflective vests, in addition to the full prescribed uniform, whenever conducting scheduled manual traffic direction and control.
  - 2. Persons conducting unscheduled manual traffic direction and control in response to unforeseen contingencies will wear the issued high visibility reflective vests, provided that it is available to them, and that conditions make it practical to do so before initiating manual traffic direction and control.
- B. Assuming and Maintaining a Traffic Direction and Control Position

Personnel carrying out manual traffic direction and control will insure that their presence and purpose are well demonstrated to drivers and pedestrians by:

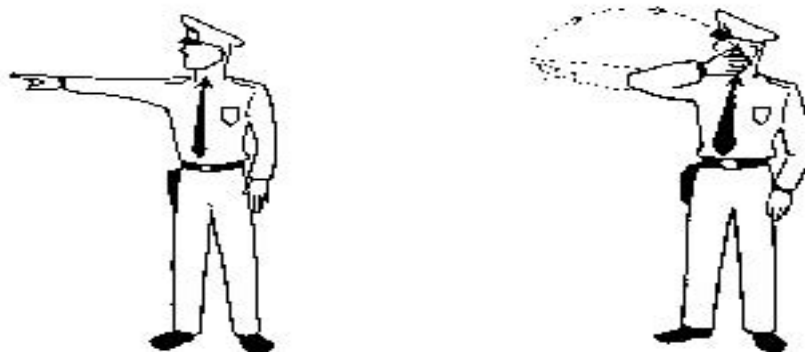
  - 1. Positioning themselves so that they can clearly be seen by all, usually in the center of an intersection or street;
  - 2. Standing straight with weight equally distributed on both feet;
  - 3. Allowing hands and arms to hang easily at the sides, except when gesturing; and
  - 4. Standing facing or with back to stopped traffic and with the side toward traffic being directed to move.

### C. Signals and Commands

1. To stop traffic, the employee should first extend their arm and index finger toward and look directly at the person to be stopped until that person is aware or it can be reasonably assumed that the driver is aware of the employee's gesture. Second, the pointing hand is raised at the wrist so that its palm is toward the person to be stopped. The palm is held in this position until the person has stopped. To stop traffic from directions on a two-way street, the procedure is then repeated for traffic coming from the other direction while continuing to maintain the raised arm and palm toward the traffic previously stopped.



2. To start traffic, the employee should first stand with shoulder and side toward the traffic to be started, extend their arm and index finger toward and look directly at the person to be started until that person is aware or it can be reasonably assumed that he/she is aware of the employee's gesture. Second, with palm up, the pointing arm is swung from the elbow, only, through a vertical semi-circle until the hand is adjacent to the chin. If necessary, this gesture is repeated until traffic begins to move. To start traffic from both directions on a two-way street, the procedure is then repeated for traffic coming from the other direction.



3. Right turning drivers usually make their turns without the necessity of being directed by the employee. When directing a right turn becomes necessary, the employee should proceed as follows. If the driver is approaching from the employee's right side their extended right arm, index finger and gaze are first directed toward the driver, followed by swinging the extended arm and index finger in the direction of the driver's intended turn. If the driver is approaching from the employee's left side, either the same procedure may be followed utilizing the left arm extended or the extended left forearm may be raised to a vertical position from the elbow while closing the fingers so that the remaining extended thumb points in the direction of the driver's intended turn.



4. Left turning drivers should not be directed to make their movement while the employee is also directing oncoming traffic to proceed. Therefore, the employee should either direct opposing vehicles to start while avoiding left turn gestures directed at turning drivers, which will lead them to complete their turn only when there is a gap in the oncoming traffic, or to stop or hold oncoming drivers, after which the left turning driver can be directed into their turn. The employee's right side and arm should be toward the oncoming traffic. The left side and arm should be toward the left turning driver. After stopping oncoming traffic by using the right arm and hand, the right hand should remain in the halt gesture, then the extended left arm, index finger and employee's gaze is directed toward the driver who intends to make a left turn. When the left turning driver's attention has been gained, the extended left arm and index finger are swung to point in the direction the driver intends to go.



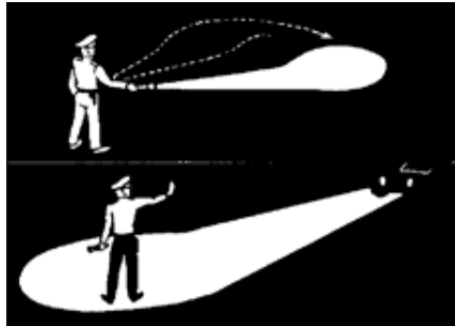
5. When an emergency vehicle responding to an emergency call or a funeral procession approaches an intersection the employee engaged in manual traffic direction shall stop traffic in all directions. An entrance and exit shall be provided from the intersection.
6. When an officer arrives on the scene of a crash or other incident where a civilian is directing traffic, the officer should relieve the civilian of this duty, or request additional units to the scene.

#### D. Signaling Aids

1. The whistle may be used to get the attention of drivers and pedestrians. It is used as follows:
  - a. One long blast with a STOP signal.
  - b. Two short blasts with the GO signal.
  - c. Several short blasts to get the attention of a driver or pedestrian who does not respond to a given signal.
2. The whistle should be used judiciously. It should not be used to indicate frustration, but the volume should be just that sufficient to be heard by those whose attention is required. Therefore, whistle blasts directed at pedestrians should be moderate in volume. The whistle should be used only to indicate stop, go, or to gain attention. When its purpose has been achieved the employee should cease sounding the whistle. If the whistle is utilized continuously it ceases to hold meaning for drivers and pedestrians.
3. The voice is seldom used in directing traffic. Arm gestures and the whistle are usually sufficient. Verbal orders are not easy to give or understand and often lead to misinterpretations. An order which is shouted can antagonize the motorist.
4. When a driver or pedestrian does not understand the employee's directions, the employee should move reasonably close to the person and politely and briefly explain his/her directions. No

employee shall exhibit loss of temper by shouting or otherwise indicate antagonism toward those who do not understand or who do not wish to obey the employee's directions.

5. A flashlight shall be used to halt traffic during night time hours. To stop traffic slowly swing. The beam of the light across the path of oncoming traffic. The beam from the flashlight strikes the pavement as an elongated spot of light. After the driver has stopped, arm signals may be given in the usual manner. The vehicle's headlights should provide illumination.



6. If the employee has been issued a hand held "stop sign", they should use it in stopping traffic. They will hold the hand held stop sign in an upright visible manner toward the motorist. It will be used in conjunction with other signals and commands.



- E. Temporary traffic control devices may be deployed in support of traffic direction and control activities. [61.3.2(f)] These activities will fall into the following categories:

1. Short Term

Traffic cones may be deployed by employees at the scene of any disruption or blockage of the normal traffic patterns, or to direct traffic around some event whether emergency or non-emergency. If in the opinion of the employee, the reason for the redirection of

traffic may be long term, a supervisor will be advised of the situation.

**2. Long Term**

If, in the opinion of a supervisor, the redirection of traffic may be long term, barricades shall be requested from the Public Works Department.

**3. Special Events**

The Police Department's Special Events Coordinator in conjunction with Public Works representatives will plan for the redirection of traffic for special events.

**F. Manual Operation of Traffic Control Devices**

The following circumstances warrant manual operation of traffic control devices:

1. Emergency Incidents;
2. Special Events;
3. Construction;
4. Signal Failure;
5. Unusual Incidents; or
6. When deemed necessary by a supervisor.

Manual control devices are found inside the traffic control boxes located on the corner of intersections with traffic signal lights. A control box key may be obtained from the Public Works Department with written approval from the Traffic Section Commander. The Traffic Section Commander shall establish a training program to operate the traffic control devices. Caution should be used when operating these devices.



## **18.40 Agency Referrals & Alternatives to Arrest**

### **18.40.010 Generally**

It shall be the policy of the Metropolitan Nashville Police Department to exercise the discretionary authority granted to its law enforcement officers and to seek alternatives to arrest by referring citizens to public and private social services when appropriate.

Often, social or mental health situations manifest into a law enforcement call for service. Recognizing the need for first responders to be best informed with accurate information and familiarity with available resources which would allow them to better serve individuals within our communities who may be affected by hidden disabilities, medical conditions, or mental illness as we may encounter them, it remains the goal of the MNPd to provide appropriate agency referrals or utilize an alternative to an arrest; when facts and circumstances suggest such a referral may be appropriate.

### **18.40.020 Agency Referrals**

While performing their duties, officers often encounter people in need of assistance best provided by another criminal justice or social service agency. It is critical that police officers understand the nature of mental illness, disabilities, and these medical conditions. Officers need to know how to quickly assess and identify the possibility that an individual may have a mental illness, disability or medical condition. Officers do not need to make a diagnosis, but more importantly, to quickly identify the possibility that the person or situation they are encountering may involve a person involved in such a crisis can present signs and symptoms that may mimic illegal behavior such as intoxication, aggressive or resistive behavior. When these crises occur, officers should consider the facts available at the time should be examined to determine, if an alternative to arrest may exist, which agency could best provide the services needed by the individual and then to facilitate a proper response based upon that assessment.

**On the PDWEB page, using the Online Tools tab, please see the link:**  
[How to Get Help in Nashville: Agency Referrals and Alternatives to Arrest](#)

## **18.50 Handling and Transport of Prisoners**

### **18.50.010 Arrest of Prisoners**

- A. A sworn member shall not take any person into custody, nor restrain any person, except for a lawful purpose.
- B. A member making an arrest shall use proper tactics as instructed by the Training Division; and shall not lose sight of the arrested person once secured.
- C. The arrest of any prisoner should be accomplished safely. The taking of an individual into custody should, if possible, be done in a secure area away from hazards (i.e., fire, hostile bystanders, etc.). It may not be possible to always select or secure the area, but sound judgment and circumstances should dictate the manner of arrest and /or the necessity for arrest. The safety of the officer, the public, and the arrestee is the primary concern in an arrest situation.
- D. A member is authorized under existing policy to use alternatives to a full custodial arrest. However, this does not negate the need to use proper tactics to ensure the safety of all concerned.
- E. A member making an arrest shall maintain custody of the handcuffed prisoner until the prisoner is remanded to the Prisoner Processing Section of the DCSO or the prisoner is properly secured by another member willing to accept responsibility for the prisoner, except under the provisions of established policy and procedure.
- F. A member making an arrest for public intoxication should closely evaluate the need for arrest. A member who encounters someone who is intoxicated and meets the criteria for admission to an alternative facility may transport and await admission to the appropriate facility.
- G. A member shall not become surety or solicit the release or discharge from custody of any arrested person, except where such release or discharge occurs in the proper performance of duty.

### **18.50.020 Restraints**

- A. The primary restraint shall be the issued or approved handcuffs. Shackles, "flex-cuffs," and/or any authorized alternative may also be suitable restraints for the arrested person.
- B. For the safety and protection of all concerned a member shall use handcuffs to restrain persons arrested for any offense. A person being

arrested for any violation shall be thoroughly searched and handcuffed behind their back, in accordance with training and established policy and procedure, unless there are extenuating circumstances or physical limitations.

- C. A person arrested for a non-felony offense who is emotionally unstable, unruly, violent, likely to escape, or whose intentions are unknown shall be properly restrained. The size of the arrested person, along with any known history for violence or any other safety concern, may also necessitate the use of a suitable restraint. A member shall not handcuff a prisoner to themselves, another member, or a fixed object.
- D. A member may encounter a "special needs" prisoner. A prisoner who has an infectious disease or a handicap may require special precautions or a modified restraint. Prisoners with infectious diseases should be handled using universal precautions to minimize contact. Prisoners who are handicapped, bedridden (hospitalized in the security ward) or confined to a wheelchair may require special restraints or may require no restraint. Care and sound judgment should be utilized in restraining these prisoners.
- E. A member may encounter a prisoner that is "oversized", "undersized", sick, or injured and modified techniques may be required to safely restrain these prisoners.
- F. A member encountering a restrained prisoner who is combative (i.e., fighting, jerking away, kicking, spitting, etc.) will use only the amount of force necessary to safely continue the arrest, by further restraint or any necessary use of force consistent with established policy and procedures.

#### **18.50.030 Transportation of Prisoners**

- A. A member should use a vehicle with proper screening installed and designed for prisoner transport (i.e., generally a marked or similarly equipped car) if available. A member shall not transport prisoners in the front seat of any vehicle. A member may use a vehicle without a screen, as a last resort, if a proper transport vehicle is not available. A member shall not transport more than two prisoners in an unscreened vehicle. A member transporting a prisoner in a vehicle without a screen shall restrain the prisoner to the extent necessary to provide protection for all occupants of the vehicle. Such prisoner should be transported in the rear seat on the passenger side. In such instances, a sworn member should also sit in the rear seat on the driver side to maintain prisoner control and the member's weapon shall not be accessible to

the prisoner. A member shall not restrain/secure any prisoner by attaching, restraining, or securing a prisoner to any part of the vehicle or its equipment.

- B. A member transporting or receiving a prisoner for transport shall search the transport vehicle prior to and after prisoner transport for any contraband (i.e. under the rear seat). Such vehicle shall also be examined to ensure that it is safe and properly equipped for the tour of duty.
- C. A member intending to transport a prisoner, or receiving a prisoner for transport, shall search (or re-search) and properly restrain (if necessary) the prisoner prior to placing the prisoner in a vehicle for transport.
- D. All prisoners will be secured in the vehicle by use of a seatbelt to prevent injury to the individual. Extenuating circumstances may exist which prevent the safe application of the safety belt to the prisoner. Such specific circumstances may include, but not be limited to, combative prisoners, the possibility of officer contact with bodily fluids or infectious disease, or physical handicap or injury. The transporting officer will have to use discretion based upon the specific facts and circumstances of each prisoner.
- E. A member transporting a prisoner who requires additional restraints (i.e., shackles, etc.), who is oversized/undersized, emotionally unstable, or handicapped shall transport the prisoner in a position which affords safety for the officer and protection for the prisoner. This may require using an alternate vehicle (i.e., van, unscreened car, etc.).

**EXAMPLE:** An emotionally unstable prisoner may become violent with the use of some types of restraints. An oversized (height/weight) prisoner may require an alternate vehicle for transportation.

- F. A member transporting juveniles or persons of the opposite sex on police related business shall, prior to leaving the scene, advise the Emergency Communications Center (via radio) of the mileage showing on the odometer and destination. Upon being advised of this transmission the dispatcher, in accordance with current ECC policy and procedure, will advise the member of the official time. Upon arrival at the destination, the member shall advise the ECC (via radio) of the ending mileage. The dispatcher will advise the member of the official time, in accordance with current ECC policy and procedure. Under such circumstances the most direct route of travel shall be used and no unnecessary stops will be made.

- G. A member should not transport the following in the same vehicle:
1. An adult and a juvenile,
  2. Prisoners who are combative toward each other,
  3. Private prosecutors and prisoners,
  4. Parties involved in domestic disputes, or
  5. Males and females from separate unrelated incidents.
- H. Divisions with specially designed and equipped prisoner transport vehicles may develop division level standard operating procedures that may be unique to that vehicle and are not otherwise inconsistent with this policy (e.g. transporting male and females in a properly portioned transport van).
- I. Prisoners Requiring Medical Attention
1. A member transporting or receiving a prisoner for transport who is sick, injured, or requesting medical attention shall cause such prisoner to be transported (by ambulance if necessary) to an appropriate facility for treatment.
  2. When an employee reasonably believes that an arrestee or prisoner has secreted an item within his/her mouth or other body cavity believed to be contraband or evidence, the following shall apply:
    - a. Mouth
      - (1) An officer may reasonably order an arrestee to remove that which the arrestee has within his/her mouth.
      - (2) Before an officer may use physical force to search an arrestee's mouth for contraband the officer must first have (all of the following simultaneously present):
        - (a) a lawful arrest of the person based upon probable cause;
        - (b) probable cause to believe that the arrestee has secreted a "seizeable item" (e.g. illegal drugs) within his/her mouth; a "clear indication" that a seizeable item will be found within the arrestee's mouth; and
        - (c) either a warrant authorizing an intrusion into the arrestee's mouth, or exigent circumstances, such as:

imminent destruction of evidence or a medical emergency.

(3) Once all of the prerequisites listed above have been satisfied, then an officer may use objectively reasonable force to extract the contraband secreted in the arrestee's mouth in a manner consistent with departmentally approved training.

3. After such incidents, such persons shall be medically evaluated by emergency medical personnel or by an appropriate medical facility.

J. A member transporting a prisoner to any destination shall be responsible for the security of the prisoner until the prisoner is properly secured by the Prisoner Processing Section of the DCSO or another officer willing to accept responsibility for security of the prisoner.

**EXAMPLE:** A patrol officer transporting an auto theft suspect to the Auto Theft Unit office for an investigator.

K. A member transporting a prisoner should use the most direct route of travel and make no unnecessary stops. A member shall stop in cases where injury to a third party may occur and the likelihood of injury to or escape by the prisoner is minimal. Training and sound judgment shall dictate the necessity for intervention. The prisoner should have no unnecessary contact with persons other than law enforcement or medical personnel.

**NOTE:** If the member must deviate from a direct route of travel or make a necessary stop the officer should advise the ECC of that information, giving the mileage showing on the odometer and the location of the stop or alternate route.

L. A member escorting a prisoner on foot shall be responsible for the security of the prisoner and the degree to which the prisoner is restrained. The member should direct the prisoner in the proper direction, follow him, and not allow the prisoner to walk behind him. A member crossing a street with a prisoner should physically retain control of the prisoner to prevent escape or accident as traffic crosses their path.

M. A member shall not transport any prisoner in a personally owned vehicle.

- N. A member transporting a prisoner who escapes shall immediately initiate a search, notify his supervisor, document the event consistent with department report writing policy, and obtain any necessary warrants.

**18.50.040 Transportation of Prisoners To & From Other Jurisdictions**

- A. A member shall only transport prisoners to or from other jurisdictions with authorization from the appropriate section commander.
- B. A member transporting a prisoner to or from other jurisdictions shall have in his possession the proper documentation concerning the transport of the prisoner (i.e. name, facility number, commitment papers, medical records, photo, personal property, etc.). Any information relating to a possible security threat (i.e. escape, suicide, etc.) or unusual medical problems shall be included in the documentation. A member shall not transport to or from another state without a proper governor's warrant or lawfully executed waiver. The identification of any prisoner to be transported shall be verified prior to transport.
- C. A member transporting prisoners to or from other jurisdictions shall use a vehicle with a screen installed to separate the driver's compartment from the prisoner compartment. This vehicle shall also be modified in the prisoner compartment to minimize the possibility of escape (i.e. removal of door handles, window cranks, etc.).
- D. A member transporting a prisoner for an extended period of time shall take necessary precautions to prevent escape or injury. Public transportation (i.e. airplanes, buses, trains, etc.) may be used subject to established policy and procedure. Locations for meals and lodging should be randomly chosen. Members allowing prisoners to use semi-private facilities (i.e. restrooms, etc.) shall not lose sight of the prisoner. The amount of restraint should be dictated by training, established policy and procedure, and the provisions herein.
- E. The Fugitive Division, while transporting a prisoner to or from another facility, shall follow the guidelines established by such facility (i.e. securing of firearms, prisoner search, removing restraints just prior to placing the prisoner in the cell, etc.) regarding prisoner transfer and transport. Before the prisoner exchange occurs, the transporting officer shall deliver any corresponding documents to, and obtain the signature of, the receiving officer on an MNPDP Form 699, Prisoner Transportation Receipt. The officer shall forward the resulting documentation according to current mail-transfer policies. The Records

Division shall maintain MNPd Form 699s in agency files according to the applicable retention schedule.

- F. A member transporting a prisoner to or from other jurisdictions, who encounters a problem, shall notify the appropriate supervisor directly or via the Emergency Communications Center.

**NOTE:** Refer to the Standard Operating Procedures of the Fugitive Section for further information.

- G. A member transporting a prisoner who escapes, while in transit in another jurisdiction, shall immediately notify the law enforcement agency with jurisdiction for that area. The member shall secure the area, advise the agency of all available information, and request assistance apprehending the escaped prisoner. The member shall cause his immediate supervisor to be notified as soon as possible. The member shall document the event consistent with the reporting policy of the assisting agency with jurisdiction and request assistance obtaining any necessary warrants.

#### **18.50.050 Use of Seat Belts and Other Safety Restraints**

- A. All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.
- B. Whenever possible, prisoners should be secured in the prisoner restraint system in the rear seat of the patrol vehicle or, when a prisoner restraint system is not available, by seat belts. The prisoner should be in a seating position for which seat belts have been provided by the vehicle manufacturer. The prisoner restraint system and/or seatbelt **shall not** be a substitute for handcuffs or other appendage restraints.
- C. Children/Infants: See policy governing Police Vehicle Policy and Procedure

#### **18.50.060 Transportation of Transgender Individuals**

- A. Interactions between police officers and transgender individuals present a unique set of issues. The term "transgender" is used to describe persons with transgender identities, and includes a wide variety of groups that differ from traditional gender norms. Some issues encountered by police include:



1. Difficulties in determining gender for identification purposes,
  2. Transportation,
  3. Processing,
  4. Housing, and
  5. Medical treatment.
- B. Although “sexual orientation” is not the same as “gender identity or expression,” many individuals incorrectly perceive transgender persons as gay men or lesbians and, as a result, treat them as such, rather than as a transgender individual.
- C. Transgender is independent of sexual orientation; transgender individuals may identify as heterosexual, homosexual, bisexual, asexual, etc.
- D. MNPD employees shall treat transgender persons in a manner appropriate to the individual’s gender presentation, which includes addressing them by their preferred name. Transgender individuals who identify as being male should be addressed using masculine pronouns (i.e. he, him, his), regardless of their biological or surgical status. Transgender individuals who identify as being female should be addressed using feminine pronouns (i.e. she, her, hers), regardless of their biological or surgical status.
- E. Searching of Transgender Arrestees

No officer shall refuse to search a transgender detainee and transgender individuals shall not be subject to more invasive search or frisk procedures than non-transgender individuals. When an officer has reason to believe that a detainee is a transgender individual, before searching that individual the officer shall:

1. Specifically inform the detainee that he/she will be searched;
2. Ask the detainee if he/she has any objections to being searched by a male or female officer;
3. If the detainee does object, inquire as to the nature of the objection and document on arrest report;

4. Ask an officer who is of the gender requested by the detainee to conduct the search, if practical based on the circumstances and staffing;
  5. The requested preference of the detainee (male/female) and the officer who performs the search should be documented in the incident report. If it is not practical to adhere to the detainee's request the circumstances should also be documented in the report;
  6. In instances where a detainee is uncooperative, or makes a claim with regard to his/her gender that is not credible, the arresting officer shall notify their immediate supervisor prior to searching the detainee;
  7. The supervisor shall assess the situation and decide whether a male or female officer conducts a search of the detainee;
  8. Requests to remove appearance-related items such as prosthetics, clothes of the presenting gender, wigs, and cosmetic items, shall be consistent with requirements for the removal of similar items for non-transgender individuals;
  9. Whenever transferring custody of a transgender individual to any other officer or agency, the transferring employee shall inform the receiving officer/agency of the arrestee's gender identity preference.
  10. Section E, 1-9 above notwithstanding, MNPd employees shall not sacrifice officer safety or the safety of any other individual with regard to the searching of ANY individual wherein there exists reasonable and articulable circumstances to believe the subject is armed or otherwise poses a threat to the officer or the general public.
- F. Whenever transferring custody of a transgender individual to any other officer or agency, the transferring employee shall inform the receiving officer/agency of the arrestee's gender identity preference.
- G. Employees of the MNPd shall interact with the transgender community in a manner that is professional, respectful, courteous, and considerate with respect to each individual's gender identity.

## **18.60 Prisoner Processing Procedures**

### **18.60.010 Generally**

- A. It shall be the policy of this department to utilize the detention facilities maintained by the Davidson County Sheriff's Office and the Davidson County Juvenile Detention Center for the processing of arrested persons and juveniles taken into custody.
- B. At no time will any firearm or other weapons be allowed in the secured area of the prisoner processing area. All firearms, knives, and any edged instruments shall be removed upon entering the secured area and placed in a weapons locker located at each entrance.

In accordance with established policy of the DCSO, MNPB officers may carry departmentally approved batons, ASP batons, and chemical spray into the booking facility.

TASERS® and all other electronic immobilization devices shall not be allowed in the secured prisoner processing area and must be secured in the same manner as firearms described above.

***(A violation of this provision is a category B offense.)***

- C. Firearms and other weapons seized incidental to arrest will not be brought into the prisoner processing area unless the commissioner specifically requests to see them. Upon such request, officers shall ensure that the firearms are emptied, breached, and secured before being taken into the prisoner processing area.
- D. Every officer assuming control of a prisoner shall ensure the prisoners are searched and secured before they are allowed to enter the prisoner processing area.
- E. Officers shall complete an arrest report for every person arrested prior to entering the prisoner processing area. The report should contain all relevant information necessary to process the prisoner consistent with departmental report writing procedures including an appropriate narrative detailing the facts and probable cause for the arrest.
- F. In accordance with TCA § 38-3-116, whenever a person is arrested and taken into custody, they shall be asked whether they are the parent or legal custodian of any children that will be left unattended by virtue of their arrest. Based upon the person's response, the officer shall determine, in consultation with their supervisor, whether any children will be endangered by the parent or legal custodian's absence.

and take appropriate steps to ensure the child's welfare. Appropriate steps could include, but are not limited to:

1. Conducting a welfare check by sending an MNPd unit, other law enforcement agency, or an agency responsible for the health and safety of children to the location of the child;
2. Assisting the parent, legal custodian, or government agency with ensuring the child is in the care/custody of a responsible adult; or
3. Initiating a criminal investigation into an unattended and endangered child.

If a determination is made that a child is unattended and endangered, then Youth Services and Department of Children Services (DCS) personnel **shall** be notified. Documentation of compliance shall occur on the arrest report, in accordance with MNPd Report Writing Manual guidelines.

- G. Officers shall maintain visual contact with prisoners or secure them in a holding cell until such time as custody is properly transferred.
- H. At no time shall employees enter the testifying port while a case is being presented unless they are involved in the case. Employees who wish to present a different case shall wait in the prisoner processing area until the testifying port is available.
- I. Should a prisoner escape, the officer shall immediately notify the Emergency Communications Center and the appropriate supervisor. A description will be broadcast, all field units alerted, and the necessary resources shall be mobilized.

#### **18.60.020 Prisoner Processing**

##### **A. Procedure for Serving Outstanding Warrants**

The following, in accordance with Davidson County Sheriff's Office procedures, is provided for guidance and subject to change.

1. Give the complete and original arrest report to booking personnel to initiate the process for confirming the identity of the suspect. This process includes fingerprinting and photographing the suspect.
2. Once the suspect's identity is confirmed, go to the Warrants Section and sign out the warrant(s) then return to booking. Make the appropriate number of copies of the original arrest report, and leave one copy with the confirmation clerk.

3. After the suspect's identity has been confirmed, notify Warrants, and have the warrant(s) modified to reflect it has been served. The arresting officer shall provide Warrants personnel with the last four digits of the arrest number.
4. Suspect will then be taken before the commissioner. **(At this point, serving outstanding warrants and any self initiated charges will be handled together.)**
5. A copy of the arrest report and all documents contained in the warrant's jacket will be given to the commissioner. If there are any new or officer initiated charges, the commissioner then accesses the affidavit(s) on the computer and the officer is sworn as to his/her testimony.
6. The commissioner then advises the suspect of his/her bond and return all documents to the arresting officer including the mittimus, two (2) copies of the conditions of release, warrant(s), and the signed and unsigned affidavit(s).
7. Turn suspect over to booking personnel. At this point, custody of the suspect is transferred to the Davidson County Sheriff's Office.
8. Place the original arrest report, mittimus, and one copy of the conditions of release in the appropriate window of the booking room. For new or officer-initiated charges, leave the unsigned affidavit(s).
9. Leave a copy of the arrest report, second copy of the conditions of release, and the contents of the warrant's jacket with the State Bond Office. Additionally, for self-initiated charges leave the signed copy of the affidavit(s).
10. This completes the booking process. Officers should retain a copy of the arrest report for their records.

**B. Procedure for Processing Officer-Initiated Arrests**

1. Complete the appropriate affidavits in the Criminal Justice Information System (CJIS) for digital access by the commissioner.
2. If there are no outstanding warrants, give the original arrest report to booking personnel to initiate the process for confirming the identity of the suspect. This process includes fingerprinting and photographing the suspect.

3. After confirmation, make the appropriate number of copies of the original arrest report; and give one copy to booking personnel.
4. The suspect will then be taken before the commissioner.
5. Give commissioner a copy of the arrest report and all other appropriate documents. The commissioner accesses the affidavit(s) on the computer and the officer is sworn as to his/her testimony.
6. The commissioner then advises the suspect of his/her bond and return all documents to the arresting officer including the mittimus, two (2) copies of the conditions of release, warrant(s), and the signed and unsigned affidavit(s).
7. Complete the jail intake form and turn suspect over to booking personnel. At this point, the suspect is in custody of the Davidson County Sheriff's Office.
8. Place original arrest report, mittimus, and one copy of the conditions of release in the appropriate window of the booking room. Additionally, for self-initiated charges, leave the unsigned affidavit(s).
9. Leave a copy of the arrest report, second copy of the conditions of release, and the contents of the warrant's jacket with the State Bond Office. Additionally, for self-initiated charges leave the signed copy of the affidavit(s).
10. This completes the booking process. Officers should retain a copy of the arrest report for their records.

#### **C. Refusal to Issue Warrant**

If the magistrate refuses to issue a warrant or directs the officer to issue a criminal summons or misdemeanor citation, the arrest report and any other related paperwork shall be left with prisoner processing personnel. A notation shall be made on the arrest report noting the reason for the refusal. At no time will a prisoner be released on a citation until positive identification has been made through the fingerprint identification process.

If the commissioner refuses the warrant and does not allow the officer to issue a criminal summons or misdemeanor citation, a copy of the arrest report shall be sent to the Case Preparation Division. Case Preparation will review the circumstances and prepare a summary and analysis to include, but not limited to, the following:

1. Was there probable cause to support the arrest;
2. Was the probable cause poorly stated in the affidavit;
3. Was the appropriate charge(s) sought by the officer;
4. Would presentment to Grand Jury be considered; and
5. Identification of any training issues.

Case Preparation will send the summary and analysis to the Administrative Services Bureau Chief who will distribute copies as appropriate.

**D. Processing Juveniles**

Persons seventeen years old or younger shall be taken to the Davidson County Juvenile Detention Center. If an arrested person is initially booked as an adult but later determined to be a juvenile through a departmental record check or other means, the person shall be transported to the Juvenile Detention Center by the arresting officer. If the arresting officer is not available, notify the appropriate on-duty supervisor; and that supervisor shall make the appropriate arrangements for transport.

**E. Mass Arrest**

In the event of mass arrests that would exceed normal holding cell capacity (e.g., civil unrest incident, raids, stings, etc.), the Incident Commander or appropriate supervisory or command personnel will notify the supervisor in charge of the prisoner processing area.

**18.60.030 Medical and Health Care Services**

- A. Any person taken into custody that is ill or injured shall be taken to an authorized medical facility to receive or refuse medical treatment prior to going to prisoner processing. Written documentation of the treatment received or refusal to be treated by the prisoner must be obtained from the attending physician, and provided to Sheriff's Office personnel before completing the prisoner processing procedure.
- B. Unless otherwise directed by an authoritative source, prisoners sustaining a "non-life threatening" illness/injury will be taken to Metropolitan Nashville General Hospital. In the event an arrestee appears to be undergoing a life threatening medical emergency while being transported in a police vehicle, the officer shall **immediately**

transport the arrestee to the nearest medical facility or have the Emergency Communications Center notify the Metro Nashville Fire Department to respond to his/her location, whichever is the most appropriate.

**18.60.040 Arrestees Admitted to a Hospital/Medical Facility**

- A. The purpose of this section is to establish procedures for transferring custody of arrestees that are admitted to a hospital or medical facility prior to being booked at the Davidson County Sheriff's Office (DCSO). The MNPd and the DCSO have established an agreement by which the DCSO may accept custody of such individuals in accordance with the current procedures for serving criminal warrants on individuals already booked and admitted to jail.

B. Custody of Hospitalized Arrestees

As stated in Article 18.60.030, A of this order: Any person arrested who is ill or injured and in need of medical treatment shall not be "booked" or otherwise "processed" until the person has received the treatment required. Once treatment has been given, and the decision has been made by qualified medical personnel to admit the arrestee to the hospital, MNPd personnel shall adhere to the following procedures for transferring physical custody of such persons to the DCSO:

1. The arresting MNPd officer will notify the DCSO dispatcher to request a DCSO deputy to provide relief at the hospital where the arrestee will be admitted. The MNPd officer may request that the ECC make the notification or he/she may call the DCSO dispatcher directly. The MNPd officer will provide the location of the medical facility, the room number where the arrestee is located and a contact number where the officer can be reached if additional information is needed.
2. In accordance with current DCSO policy and procedure, a DCSO deputy will be dispatched to relieve the MNPd officer and assume custody of the arrestee. The DCSO deputy should arrive at the designated facility within four (4) hours of the request to provide relief. Per agreement, if a DCSO deputy cannot relieve the MNPd officer in the designated time frame, DCSO dispatch will communicate with and update the MNPd officer.
3. The MNPd officer shall complete MNPd Form 698, Transfer of Custody Report:



- a. The arresting MNPDP officer shall fill in the related MNPDP complaint number in the box at the top of the form.
  - b. The arresting MNPDP officer shall complete all the information in section I by printing clearly in the spaces provided on lines 1-5.
  - c. If the arresting MNPDP officer is the officer transferring custody to the DCSO deputy, he/she shall check the box "same as above" on line 5.
  - d. Should the arresting officer be relieved by another MNPDP officer prior to the arrival of the DCSO deputy, the MNPDP officer who provided the relief of the arresting officer and is actually transferring custody of the arrestee shall print his/her name and employee number on line 5.
  - e. The arresting officer shall sign his/her name, employee number, and the date and time in section II.
  - f. If the arresting MNPDP officer has reasonable doubt as to the identity of the arrestee, he/she shall indicate such in section II, line 4. If there is reasonable doubt as to the identity of the arrestee, the arresting officer will attach an MNPDP Form 104, Supplement Report stating what grounds exist to question the subject's identity.
  - g. When the DCSO deputy arrives and assumes custody of the arrestee, he/she will sign and date the form in section III.
4. An MNPDP officer shall remain with the arrestee until personally relieved by the assigned DCSO deputy. Once the DCSO deputy has signed the MNPDP Form 698, Transfer of Custody Report, the DCSO deputy assumes responsibility of the arrestee.
  5. The arresting MNPDP officer shall then make two (2) copies of the MNPDP Form 698, Transfer of Custody Report and any supplement reports. If the arresting officer does not want a copy of the form, only one copy is needed.
    - a. The original shall be given to the DCSO deputy assuming physical custody of the arrestee.
    - b. The arresting MNPDP officer shall send one copy to the MNPDP Records Division.
    - c. One copy for the arresting officer's file. (Optional)

**NOTE:** Should a copy machine not be available at the time custody is transferred, the MNPDP officer should complete the appropriate number of originals of the report for distribution.

6. Once relieved, the arresting MNPDP officer shall immediately go to the DCSO Booking Facility to seek appropriate criminal warrant(s) and to obtain any outstanding warrants for the arrestee.

**NOTE:** In the event that a detective or other officer is obtaining the warrant(s), the arresting officer will immediately determine if the warrant(s) have been issued and that the DCSO Booking Room Supervisor has received the warrant(s). If the warrant(s) have not been issued or declined, the arresting officer will take the appropriate action to either complete the warrant process, or notify the DCSO deputy as outlined herein.

7. Once the warrant(s) are obtained, the arresting MNPDP officer shall immediately take the warrant and any additional outstanding warrants to the MNPDP Warrant Division to be processed and entered into the system. MNPDP Warrant Division personnel shall ensure the warrant(s) are given priority and processed without unnecessary delay.
8. Once the criminal warrant(s) have been processed by the MNPDP Warrant Division, the arresting officer will deliver the warrant to the DCSO Booking Room Supervisor.

**NOTE:** If the warrant(s) cannot be immediately entered into the system, the MNPDP Warrant Division personnel shall deliver the warrant(s) to the DCSO Booking Room Supervisor immediately after the warrant has been processed.

9. If the commissioner declines to issue the warrant, the MNPDP arresting officer will immediately notify the DCSO dispatcher (862-8296) and inform them that a warrant has been refused and the DCSO deputy may be relieved in accordance with DCSO policy and procedure.
10. Upon the arrestee's release from the hospital, the DCSO will transport the arrestee to the booking room and process the arrestee according to current DCSO procedures.

**NOTE:** If the hospitalized arrestee does not survive, the agency having physical custody at the time of death shall handle the appropriate notifications in accordance with established policy and procedure of the respective agency.

11. Issuing Citations/Submissions to the Grand Jury

- a. No provision of this policy shall preclude an arresting officer from issuing a State Misdemeanor Citation, where appropriate, and in accordance with current policy for the issuance of misdemeanor citations in lieu of physical arrest.
  - b. The officer shall conduct an analysis of the facts, circumstances, and applicable law to determine if a custodial arrest should be made or if the arrested person should be issued a citation and released. Officers are encouraged to issue citations whenever possible and in accordance with established policy.
  - c. In those circumstances wherein charges would normally be sought against the subject by presenting the case to the Grand Jury, in lieu of immediate arrest, the arresting officer shall not notify the DCSO to assume custody.
  - d. If there is any question as to the decision of continued custody versus the issuance of a State Misdemeanor Citation or presentment to the Grand Jury, the arresting officer should seek guidance from an appropriate on-duty supervisor.
- C. In the event the DCSO cannot accept custody of an arrestee that will be admitted to a medical facility MNPD shall ensure physical security of the arrestee under the following guidelines:
1. The arresting/admitting officer shall immediately notify his/her immediate on-duty supervisor that the arrestee is being admitted;
  2. The arresting/admitting officer shall remain with the arrestee until properly relieved. At no time shall the officer leave the arrestee unsecured;
  3. The on-duty supervisor shall notify the on-coming detail if a relief officer must be assigned for hospital security;
  4. The patrol precinct wherein the subject was arrested shall be responsible for hospital security until the arrestee is released from the hospital, is remanded to the custody of another agency (ie, DCSO); prosecution/warrant(s) are declined or custody is otherwise terminated (arrestee succumbs to injuries/illness).

5. The precinct supervisor responsible for hospital security shall ensure the Emergency Communications Center (ECC) is notified which personnel is assigned hospital duty and their location.
6. Should the arresting officer be assigned to a support or investigative unit, the patrol precinct wherein the arrest occurred shall assume responsibility for hospital security.
7. Arresting officers should utilize the issuance of a State Misdemeanor Citation (wherever appropriate and in accordance with current policy) in lieu of arrest anytime an arrestee charged with a misdemeanor offense is admitted.

#### **18.60.050 Prisoner Rights**

- A. A prisoner's opportunity to make bail or pre-trial release shall not be impeded.
- B. Prisoners will be allowed access to a telephone in the prisoner processing area of the DCSO in accordance with DCSO policy and procedures.

#### **18.60.060 Consular Notification**

Procedures for the notification of consular officials for foreign nationals that have been arrested or detained are found in the Criminal Investigations Division Standard Operating Procedures.

Officers should seek guidance from Investigative Services Bureau detectives when detaining foreign nationals.

#### **18.60.070 Warrant Service and Booking Procedures to Use When the Automated Fingerprint Identification System (AFIS) is Not Operational**

- A. Generally

The purpose of this section is to inform MNPB personnel on the procedures to use when serving a warrant(s) on a defendant whose identity cannot be positively confirmed through fingerprint comparison. The procedures will allow officers to complete the booking process in a more efficient manner when the AFIS system is down and still assure proper and reasonable alternative measures are taken to confirm the identity of those upon whom warrants are being served.

This policy has been established by an agreement between the Metro Nashville Police Department and the Davidson County Sheriff's Office.

**B. Notifications**

1. When it is determined that the AFIS system has become inoperable and will likely be so for more than thirty (30) minutes, the Davidson County Sheriff's Office (DCSO) personnel, in accordance with their agreement with the MNPd, will immediately notify the highest ranking personnel on duty in the Warrant Division of the Police Department that the AFIS system is down.
2. Notify/designate the Warrant Service Quality Assurance Officer (QAO). See C1 below.
3. Once the QAO has been designated, the Warrant Division personnel will then immediately notify the Information and Technology Division Help Desk to confirm that personnel of that division are aware of the AFIS problem. (Email - Metro ITS Help Desk; Phone 862-6222).

**C. Designation and Duties of the Warrant Service Quality Assurance Officer (QAO)**

1. To ensure the proper identification of arrestees, and to ensure the arresting officer can return to service in a timely manner, the QAO shall be designated from the following personnel:
  - a. An on-duty supervisor of the Warrants Division with the rank of sergeant or above.
  - b. If no appropriate Warrants Division supervisor is available, personnel should then contact a member of the Field Supervisor Section.
  - c. If on-duty personnel outlined in a and b above are not available, the Warrants Division personnel shall notify supervisory personnel assigned to the North Precinct that the AFIS system is inoperable, and a QAO is needed. Supervisory personnel from North Precinct shall assign a sergeant to report to the Warrants Division and assume responsibility of the Warrant Service QAO.
2. The duties of the QAO shall be to review the proof of identification and other such documentation that is being used by each officer making only a warrant arrest while the AFIS system is down. The QAO will assure that the proof and documentation being proffered by the arresting officer established probable cause to believe that the person being arrested is the same person described and

named on the warrant. Such proof of identification may include any or all of the following:

- a. Personal knowledge of the defendant by a Metro Nashville Police Officer or Davidson County Sheriff's Office personnel;
  - b. An official mugshot;
  - c. Valid personal photo identification card(s) issued by a governmental agency or other authoritative source;
  - d. Statements of identification made by credible and reliable persons such as family members, neighbors, friends, co-workers or others who may have knowledge of the defendant's identity;
  - e. Physical and demographic attributes of the defendant match those listed on the warrant;
  - f. Other facts and circumstances that would cause a reasonable person to believe that the person being arrested is the defendant for whom the warrant was issued; or
  - g. Visual verification of ink rolled fingerprint from suspect by ID personnel.
3. The QAO shall also review the arrest report and or supplement reports of the arresting officer to assure that the probable cause used to establish the identity of the defendant has been properly documented.
  4. If the QAO finds sufficient probable cause for the arrest has been established and the documentation of that probable cause is acceptable, the QAO shall sign his or her name, the date and time, as well as the suspect's OCA number, if available, in the narrative section of either the arrest or supplement report, as is appropriate, to signify their approval. The QAO will also be recorded on the mainframe as the person authorizing electronic warrant data to be sent to the commissioner for Bond Set.
  5. If the QAO finds that there is not sufficient probable cause for the arrest and/or that probable cause has not been well documented, the QAO shall do the one or more of the following as is determined appropriate under the circumstances:

- a. Instruct the arresting officer to conduct further investigation into the identity of the defendant and assist the officer in determining other avenues of investigation that might provide additional evidence as to the defendant's identification.
- b. Instruct the arresting officer in how he or she may better articulate the facts and circumstances that establish the probable cause as to the defendant's identity.
- c. Make a determination that the person arrested probably is not the defendant named in the warrant and instruct the arresting officer to release the arrestee.

**D. Responsibilities of the Arresting Officer**

1. When an officer is arresting a person on an outstanding warrant only and is notified that the AFIS system is inoperable, he or she shall exercise due diligence in confirming the identity of the person being arrested and in determining that the arrestee is, in fact, the person named in the warrant. In making these determinations, officers should avail themselves of facts and circumstances such to those listed in C.2.a, through f., above.
2. The arresting officer shall fully document the probable cause established to confirm the arrestee's identity and to determine that he or she is the subject of the warrant on the accompanying arrest report.
3. After completing the arrest report, the arresting officer will locate the QAO so that the QAO may review the sufficiency of the probable cause to make the arrest. If the QAO approves the probable cause and its documentation, the arresting officer shall take the arrest report to the booking clerk who will put the suspects plain impressions (ink prints of the suspect's right hand four fingers) on the back of the arrest report. Once ID verifies the prints, the officer shall complete the usual customary procedures required for booking a person with an outstanding warrant, with the exception that the officer will not be required to obtain AFIS confirmation before completing his arrest affidavit.
4. When AFIS becomes operational, and the system indicates the suspect's identity given to the officer is not correct, the officer who made the arrest will return to booking to correct the information. If the arresting officer is not available, the appropriate on-duty supervisory personnel will be notified and shall make arrangements to have the information corrected.

**E. Responsibilities of Information and Technology Division Personnel**

1. On-call Information and Technology Division personnel notified of an AFIS problem shall, in turn, notify appropriate personnel to address the problem in accordance with the standard operating procedures of the Division.
2. Appropriate personnel will activate the appropriate system changes required to allow officers to complete the booking process without first confirming an arrestee's identity in AFIS.
3. When the AFIS system has been restored to operation, Information and Technology Division Personnel will notify all appropriate Police Department and Sheriff's Office personnel that they may resume regular booking procedures.

**F. Responsibilities of Identification Section Personnel**

1. Upon receiving the copied Arrest Report with plain impressions and possible OCA number, ID personnel will compare the arrestee's prints to the given OCA.
2. ID will verify the arrest by confirming the subject to an existing OCA number, or as a new OCA number and not identified to a prior record.
3. Once the AFIS system becomes operational, ID personnel will conduct AFIS searches of all fingerprints received.
4. ID personnel will notify DCSO of any false names and/or prior records that are discovered as a result of the AFIS search.

**18.60.080 Procedures When Serving Instant Arrest Only**

- A. Employees shall adhere to the guidelines listed below for processing arrestees at the new booking facility located within the DCSO Intake Facility.
- B. The AO will be buzzed into the booking sally-port by the DCSO Master Control Officer.

**NOTE:** The prisoner shall be handcuffed in accordance with current MNPd policy and procedures. The AO must have the jail intake form, the arrest report and the victim notification form on all domestic violence cases completed prior to entering the



DCSO sally-port. It is extremely important that all the demographic information is completed prior to the DCSO receiving the inmate.

- E. The AO will give the DCSO intake officer his/her arrest report and jail intake form at the entrance door to the DCSO secured area, but will turn the arrestee over to the DCSO at the door.

**NOTE:** DCSO will **not** remove the handcuffs at this point. The AO's handcuffs will be returned through the workroom area window.

- F. The AO will then exit the DCSO sally port area and enter into the MNPD workroom next door.

**NOTE:** The AO shall not surrender his/her duty weapon unless it is necessary to breach the secured area during the booking process.

- G. At this point, the arrestee is now in the custody of the DCSO. The DCSO Intake officer will search the inmate and collect any **currency**, contraband and/or property.

- H. The DCSO **PID Operator** will then identify the inmate using the AFIS Personal Identification (PID) system. If no PID hit is obtained, the suspect will be immediately given a Booking Identification Number (BKIN) and 10 printed for confirmation.

**NOTE:** If outstanding warrants are found on the suspect, the DCSO must ensure that the AO is aware of these warrants. This must be done by ensuring warrants are listed on the arrest report and the AO is verbally informed of these warrants when the arrest report is returned to the AO through the window between the officer workroom and the DCSO PID area.

- I. The DCSO PID operator will place the arrest number, PID sequence number and the OCA number on the arrest report and make copies.
- J. The DCSO PID Operator or DCSO Officer will return a **copy** of the arrest report through a pass through to the AO. The AO will then complete his/her affidavit on the instant arrest charges.
- K. AO will then fax the Arrest Report to the Commissioner's office.
- L. The inmate will receive medical screening while the AO completes his/her affidavit.

- M. Upon completion of the affidavit, the AO will advise the DCSO intake or PID Operator that they are ready for the probable cause presentation.
- N. The MNPDP AO will enter the video area. (This area contains Vugate video, Fax/Scanner, CJIS Electronic signature PC.)
  - 1. This is a live 3-way feed from the MNPDP video room, the commissioner, and the DCSO video room for the probable cause presentation.
  - 2. In the event of a DCSO video failure, the DCSO has accepted the responsibility for physically escorting the arrestee to the commissioner for the probable cause hearing.
  - 3. The AO, in the event of an MNPDP video failure, shall personally appear before the commissioner for the probable cause hearing.
- O. AO enters MNPDP Video room for Probable Cause/Bond Set hearing. The Commissioner will electronically transfer the approved affidavit data to the CJIS PC in the MNPDP Video room. AO will electronically sign the affidavits via the signature pad and advise the Commissioner when complete.
- P. AO returns to duty.

**NOTE:** DCSO will send original arrest report to Police Records via the mail tube at the end of each shift.
- Q. Once the commissioner receives the electronic affidavits, he/she prints the jail committal, affidavit and the conditions of release. This will also print a copy to a designated printer in the booking room.
- R. The pretrial screener on the bench will keep the copy of the arrest report, the original jail committal, and the original signed conditions of release on every arrest.
- S. The following items will be turned into the proper divisions at the end of each shift by DCSO booking room personnel:
  - 1. The original arrest report will be sent up the mail tube to MNPDP Records.
  - 2. The original jail committal will be sent to the Releasing Unit of the DCSO to be stored for records.

- T. MNPB Warrant personnel shall pickup the original affidavit, original signed copy of the conditions of release, and a copy of the arrest report and deliver to the Clerk's Office as needed.

**18.60.090 Procedures When Serving Outstanding Warrant Only:**

- A. To confirm the arrestee's identity and to ensure warrants are served in accordance with proper procedure to eliminate service on the wrong individuals, the AO shall take the arrestee and the original arrest report to the booking facility first. Once the DCSO has confirmed the arrestee's identity, the original arrest report will be given back to the AO.
- B. The AO will then go to warrants to pick-up the outstanding warrants.
- C. The AO will then personally appear before the commissioner. The pretrial screener on the bench will call the DCSO Intake Officer when the commissioner is ready for the arrestee, and the arrestee will appear via the video monitor.
- D. The pretrial screener on the bench will keep the copy of the arrest report and the original jail committal on every arrest.
- E. Upon leaving the commissioner the AO will drop off his/her original affidavit, original signed copy of the conditions of release, and a copy of the arrest report to the Clerk's Office.

**18.60.100 Procedures When the Arrestee is Taken into Custody for a New Offense and he/she Also has an Outstanding Warrant:**

- A. The AO will complete his/her affidavit in the Officer Workroom as outlined above in Article I, A-J.
- B. DCSO officer or PID operator will return the original arrest report through the pass through window.
- C. The AO shall then go to warrants to pick-up the outstanding warrant(s).
- D. The AO will then personally go in front of the commissioner. The pretrial screener on the bench will call the DCSO Intake Officer when the commissioner is ready for the arrestee.
- E. The pretrial screener on the bench will keep the copy of the arrest report and the original jail committal on every arrest.

- F. Upon leaving the commissioner the AO will drop off his/her original affidavit, original signed copy of the conditions of release, and a copy of the arrest report to the Clerk's Office.

**NOTE:** All green MITTIMUSES (jail committals) shall be given to the DCSO booking room personnel by the AO. A green MITTIMUS (jail committal) requires the subject to be placed directly in jail. A probable cause presentation before the commissioner is not required.

**18.60.110 If the Commissioner Decides to Issue a Criminal Summons and no Other Charges or Warrants are Issued Against the Arrestee, the Following Procedures Shall be Followed:**

- A. After the arrestee has seen the commissioner, via video or in person, and the commissioner has decided to issue a summons, the DCSO will return physical custody of the arrestee to the AO as soon as is practical.
- B. The AO must then take the arrestee to the Warrants Division of the MNPd.
- C. The AO will then complete the summons and issue the arrestee a booking date. The booking date for the criminal summons will be issued utilizing the same guidelines as those for issuing booking dates on State Misdemeanor Citations:
1. The booking date for a Criminal Summons will be set **3 weeks following the date of issue** on the same day of the week except Saturday and Sunday. The arrestee must appear **between the hours of 10:00 am and 2:00 pm**.

**EXAMPLE: A summons issued on Tuesday June 5, 2007: The booking date would be Tuesday June 26, 2007, between 10:00 am and 2:00 pm.**

2. **No booking dates will be scheduled on Saturday or Sunday.** The booking date for summons issued on Saturday will be set 3 weeks from the previous Friday. The booking date for summons issued on Sunday will be set 3 weeks from the following Monday.

**EXAMPLE: A summons issued on Sunday, June 3, 2007: The booking date would be Monday, June 25, 2007 between 10:00 am and 2:00 pm.**

**A summons issued on Saturday, June 2, 2007: The booking date would be Friday, June 22, 2007 between 10:00 am and 2:00 pm.**

**Saturdays will be treated like the immediate previous Friday and Sundays will be treated like the immediately following Monday.**

Booking dates will be assigned on all weekdays, including holidays, except for those specifically closed by the authority of the court.

3. Once the arrestee has been issued the criminal summons and given a booking date, the AO shall return to duty.

**18.60.120 MNPD Officer Access to Arrestee:**

In accordance with an agreement between the MNPD and the DCSO, the DCSO must make provisions for the AO to be able to converse with the arrestee or take the arrestee to Warrants for further research of possible incorrect records at any point during the booking process. (This can be accomplished through the window between the officer workroom and the intake area.)

**18.60.130 Operations at MNPD Area of Booking Facility:**

The MNPD operations at the police workroom and other locations under the control of the MNPD at the booking facility located at the police workroom shall be under the command of the MNPD Warrants Division.

Should employees need assistance with problems related to the booking process at the DCSO booking facility, or in the event there is a failure to one of the automated systems such as CJIS or AFIS, employees shall notify the following supervisory personnel:

- A. An on-duty Warrants Division supervisor with the rank of Sergeant or above.
- B. If no appropriate Warrants Division supervisor is available, personnel should then contact a member of the Field Supervisor Section.
- C. If on-duty personnel outlined in A and B above are not available, MNPD Warrants Division personnel shall notify supervisory personnel assigned to the North Precinct that supervisory assistance is needed. Supervisory personnel from North Precinct shall assign a sergeant to report to the Warrants Division to assist in resolving the problem.

## **18.70 Driving Under the Influence Arrest**

### **18.70.010 Generally**

Drivers under the influence of alcohol and/or drugs represent a serious threat to the life and safety of persons using the streets and highways of Nashville and Davidson County. It is the responsibility of each member of the MNPd to actively and aggressively seek out and arrest DUI offenders. The detection and arrest of impaired drivers differ significantly from other traffic law violators. As a result, the following guidelines and procedures shall be adhered to:

- A. Officers must be alert for signs of alcohol and/or drug impairment in all contacts with motorists and make every effort to detect and apprehend persons demonstrating signs of impairment. After conducting an initial field sobriety task at the scene of the traffic contact, if there is probable cause to believe the driver is under the influence, officers will effect a physical arrest of the suspect prior to a breath and/or blood test being administered.
- B. Breath alcohol and blood tests will be offered in accordance with state law and department policy and procedures. Officers should be reminded that they may request either a breath or blood test, or both. An example of when two tests would be appropriate is as follows: if the driver's breath alcohol test is below .08%, and observations of the driver's actions leads the officer to believe that drugs or a combination of drugs and alcohol is present, then a blood test may be requested.
- C. Officers are reminded that breath and blood tests are supplemental tools only. All elements of the arrest should be completed, so that even without a breath or blood test, the officer will be able to make his/her case in court. A refusal to submit to a breath and/or blood test shall constitute an additional charge of violation of the implied consent law.
- D. Officers should be aware that officers assigned to the D.U.I. Enforcement Unit have portable breath testing units and are equipped with video and audio recording cameras.

### **18.70.020 Procedure**

#### **A. Detection**

Detection is the first step in any D.U.I. enforcement action. An officer's observations in this stage are crucial in establishing probable cause upon which the arrest can be made. This probable cause involves

three (3) separate and distinct phases in which all sworn personnel shall receive training. These phases are:

1. Vehicle in Motion

- a. Observing the vehicle in motion begins when the officer first notices the vehicle, driver, or both. Attention may be drawn to the vehicle/driver because of a moving violation, an equipment violation, involvement in a traffic accident, unusual driving actions such as driving across a lane or moving at a significantly slower than normal speed, observing drinking or drugs in the vehicle, etc.
- b. If this initial observation discloses vehicle maneuvers or human behavior that may be associated with the use of alcohol or drugs, an officer may develop a reasonable suspicion of D.U.I.
- c. Clues reinforcing the suspicion of D.U.I. may be found in the stopping sequence. The suspect driver's response to emergency equipment may exhibit additional evidence of D.U.I. These clues may include: an attempt to flee, slow or no response, sudden stop, or striking the curb or another object.

2. Personal Contact

- a. Upon observing a person suspected of operating or being in physical control of a motor vehicle while impaired, the officer shall begin recording facts to be presented as evidence in court. The arresting officer shall clearly note the suspect's actions and general demeanor that indicate impairment and be prepared to present these observations as evidence.
- b. The stop should be made as soon as possible and in a safe location.
- c. Notify the Emergency Communications Center of the location of the stop and any other pertinent information.
- d. Approach the suspect vehicle with caution.
- e. Exercise due care and caution during the traffic stop and be alert for unusual or inappropriate reactions of the driver or passengers.
- f. Regardless of the evidence established during the vehicle in motion phase, the officer's initial face-to-face contact with the

driver usually provides the first indication the driver may be impaired.

- g. Obtain the driver license and any other necessary documents from the driver.
- h. Note all observations leading to the suspicion that the driver may be impaired.
- i. Interview any passengers to determine if they are impaired.
- j. After careful observation, the officer must decide whether to request the driver to exit the vehicle for further observations and roadside field sobriety tasks.
- k. If reasonable suspicion exists, ask the driver to exit the vehicle and move to a safe location away from the flow of traffic to conduct field sobriety task evaluations. The site selected for task evaluation should be as level and free from loose material and/or debris as possible. It is reasonable to transport the driver to another location close by that is more suitable for the tasks. Follow current MNPD policies prior to conducting the transport and request an additional unit.

### 3. Pre-Arrest Screening

- a. Psychophysical tasks are methods of assessing a suspect's mental and physical impairment. These tasks focus precisely on the abilities needed for safe driving, e.g., balance, coordination, information processing, judgment, and decision making, etc.
- b. Officers shall use the approved National Highway Transportation Safety Administration (NHTSA) Standardized Field Sobriety Tasks. These tasks are the:
  - (1) Horizontal Gaze Nystagmus;
  - (2) Walk and Turn; and
  - (3) One Leg Stand.

These tasks should be performed as set forth by the National Highway Transportation Safety Administration.

**NOTE:** Only the National Highway Transportation Safety Administration approved horizontal gaze nystagmus, walk and turn, and the one-leg stand task should be



used as field sobriety tasks. Even if qualified as an expert, officers should never rely solely upon the horizontal gaze nystagmus as the basis for an arrest in the event the horizontal gaze nystagmus is successfully challenged.

Additionally, officers having received MNPDP approved training and maintaining certification in the Drug Evaluation Classification Program, as established by the International Association of Chiefs of Police and the National Highway Traffic Safety Administration may use tasks and evaluations consistent with that training.

- c. Officers shall record all observations and performance of the field sobriety tasks on MNPDP Form 132, D.U.I. Testing Report.
- d. If the officer is satisfied from the totality of the circumstances and determines he/she has probable cause that the driver is impaired by alcohol and/or drugs, the suspect shall be placed under arrest, handcuffed, searched, and placed in a safe location, e.g. the back seat of the patrol car.
- e. The Implied Consent Advisory shall be read to the suspect. If the driver will be questioned further, the Miranda warning should be read.
- f. Officers will use their judgment in determining the source of a suspect's impairment prior to determining if a breath or blood test is to be given. This will be prior to the administration of either a breath alcohol or blood test. Should there be clear indications, such as a strong odor of alcohol, that a driver's impairment is due to alcohol, then a breath test is appropriate. If indications are that alcohol is not involved, or a combination of drugs and alcohol is suspected, then a blood test may be more prudent. If a suspect gives a breath test and registers under the state's legal limit and the results are not consistent with the level of impairment, then the officer may request the driver to submit to a blood test. The suspect's failure to consent to either one or both tests will result in an Implied Consent Law Violation.
- g. Do not advise the person that if they test lower than the legal limit they will be given a traffic citation and released. **No driver suspected of being impaired shall at any time be allowed to operate any vehicle.**

- h. Arresting officers shall follow existing departmental policy and procedures regarding the towing or the safe parking and securing of the arrested person's vehicle.

**B. Breath Alcohol Test Request**

- 1. Breath alcohol tests can be administered by:

- a. Certified D.U.I. Enforcement Unit officers;
- b. Certified personnel in the Warrants Section; or
- c. Any officer certified to administer a breath alcohol test.

Certified personnel are those persons certified by the Tennessee Bureau of Investigation (T.B.I) to administer breath alcohol tests.

- 2. If the suspect is willing to submit to a breath test and is not being charged with another offense that requires booking, the officer may notify the dispatcher to send a mobile breath testing unit to the arrest location.

**C. Juvenile Breath and/or Blood Testing**

The following guidelines will apply to juveniles suspected of driving while impaired and officers when requesting a breath alcohol and/or blood tests:

- 1. Officers will use their judgment in determining the source of a juvenile suspect's impairment prior to determining if a breath or blood test is to be given. This will be prior to the administration of either a breath alcohol or blood test. Should there be clear indications, such as a strong odor of alcohol, that a driver's impairment is due to alcohol, then a breath test is appropriate. If indications are that alcohol is not involved, or a combination of drugs and alcohol is suspected, then a blood test may be more prudent. If a juvenile suspect gives a breath test and registers under the state's legal limit and the results are not consistent with the level of impairment, then the officer may request the driver to submit to a blood test. The suspect's failure to consent to either one or both tests will result in an Implied Consent Law Violation.
- 2. If it is determined a blood test is needed, officers shall follow the procedures outlined in the section on blood and urine tests.

3. If it is determined a breath test is needed, notify the dispatcher to advise the D.U.I. Enforcement Unit that a breath alcohol test needs to be administered to a juvenile suspect. If available, a mobile breath test unit shall respond to the arrest scene.
4. If a mobile breath test unit is not available, the juvenile will be taken to the prisoner processing area for a breath alcohol test to be administered. The following procedures will apply:
  - a. Advise the dispatcher to notify the Warrant Section that a breath alcohol test needs to be administered to a juvenile;
  - b. When in the prisoner processing area the arresting officer will remain with the juvenile at all times;
  - c. Contacts with adult prisoners must be avoided. No adult prisoners will be allowed in the breath testing room when the room is occupied by a juvenile;
  - d. All breath testing procedures applicable to adult suspects will apply to juvenile suspects;
  - e. The arresting officer will not detain the juvenile longer than necessary in the prisoner processing area; and
  - f. If charges are to be placed, the juvenile will be transported to the Juvenile Detention Center.

**D. D.U.I. Enforcement Unit Officer's Responsibilities**

1. Upon notification by the dispatcher of a request by an officer for a breath test, a trained officer of the D.U.I. Enforcement Unit will proceed to the dispatched location.
2. Upon arrival, the D.U.I. Enforcement Unit officer will begin audio and/or video recording and note the time for the required twenty minute observation period. The arresting officer may request the suspect perform the field sobriety tasks a second time so a video recording can be made as additional evidence.

**NOTE:** The field sobriety tasks may be performed a second time for video recording or at booking due to inclement weather. The suspect may refuse to perform any of the tasks a second time, and is not required to comply with the request.

3. The D.U.I. Enforcement Unit officer will witness the Implied Consent Advisory being read to the suspect by the arresting officer. Both officers will sign MNPDP Form 132, D.U.I. Testing Report. If the suspect states that he/she does not understand the advisory, the arresting officer and the D.U.I. Enforcement Unit officer will do their utmost to ensure complete understanding.
4. If the suspect refuses the breath test after the Implied Consent Advisory is read, the D.U.I. Enforcement Unit officer will printout a refusal receipt and witness a refusal for the arresting officer.
5. If the suspect agrees to submit to the breath test, the required twenty minute observation period must be met. The required twenty minute observation period must be continuously monitored and uninterrupted until the suspect takes the breath test. Other officers at the scene must refrain from interrupting the observing officer's attention from the suspect. Testing officers shall not complete paperwork, answer the telephone, or work on the laptop computer, etc., during the observation period. Where feasible officers shall not use the mobile or portable radio during the observation period unless an emergency occurs. The D.U.I. Enforcement Unit officer will complete the breath alcohol testing portion of the D.U.I. report. The arresting officer must complete the remaining portions of the D.U.I. Testing Report, MNPDP Form 132.
6. Operation of the Breath Test Machine
  - a. When the display indicates that a test is ready to administer, the D.U.I. Enforcement Unit officer will press the "Enter" button to start the test and follow the instructions.
  - b. When the instrument displays "Please Blow," the D.U.I. Enforcement Unit officer will attach a clean, sterile, mouthpiece to the breath tube, and then instruct the suspect on the proper way to give a breath sample. The D.U.I. Enforcement Unit officer will then hand the breath tube to the suspect and instruct him/her to blow into the mouthpiece.
  - c. If "Mouth Alcohol" displays, the machine will automatically abort the current test. A blood test may be administered or an additional observation period will be performed, and another breath test will be administered. **A new mouthpiece will be placed on the breath tube prior to another attempt and the suspect will be instructed to blow again.**

- d. "Insufficient Sample" will be displayed if the suspect fails to provide an adequate breath sample. If "Insufficient Sample" displays, the machine will automatically abort the current test and an additional breath test will be administered. (Another observation period is not needed). **A new mouthpiece will be placed on the breath tube prior to an additional attempt and the suspect will be instructed to blow again. This will be done until a sufficient sample is obtained or the suspect has attempted three (3) times. After three (3) attempts the instrument will abort the test and an additional observation period will be required. It is acceptable at this time to consider this a refusal on the part of the suspect.**
  - e. Testing will continue until such time that a "Completed Test" is acknowledged or the suspect refuses to blow sufficiently to complete the test.
  - f. Testing shall only be done by personnel completing a certification process approved by the department.
- 7. When the test is completed, three receipts will be produced. Attach one copy to the D.U.I. Testing Report. The second copy is given to the arresting officer to attach to the D.U.I. affidavit. The third copy may be given to the suspect.
  - 8. At the completion of each test, regardless if the test is successful, insufficient sample, mouth alcohol, etc., the test will be recorded by the D.U.I. Enforcement Unit officer into that Intoxilyzer's Alcohol Log.
  - 9. If the suspect is not charged with an offense related to the test, the D.U.I. Enforcement Unit officer will retain the completed D.U.I. Testing Report, MNP Form 132, and forward it to their supervisor for approval and processed in accordance with established mail procedures. A MNP Form 132 shall be completed with every successful or "Insufficient Sample" breath test.
- E. Warrant Section Breath Alcohol Testing Operator's Responsibilities
- 1. Upon notification that a breath test is requested, a certified operator assigned to the Warrant Section will go to a designated area to perform the test.
  - 2. Warrant Section breath alcohol technicians have the same responsibilities as a D.U.I. Enforcement Unit Officer Breath Alcohol

Technician when performing a breath test. See the article regarding D.U.I. Enforcement Unit Officer's Responsibilities.

**NOTE: In the event that certified personnel are not available to perform a breath test, a blood test will be requested from the suspect. All blood tests, regardless if the officer or the suspect requests the blood test, shall be obtained at General Hospital. If the suspect is involved in a crash and transported to a different hospital, then the blood test may be requested at that hospital.**

F. Repairs to Equipment

All repairs, testing, supplies, and maintenance logs to the intoxilyzers will be maintained by the Tennessee Bureau of Investigation (T.B.I.).

G. Training

The Metro Nashville Police Department shall ensure that all sworn personnel are trained to administer the National Highway Transportation Safety Administration Standardized Field Sobriety Tasks. The Training Division shall be responsible for follow-up or refresher training when appropriate.

H. Blood and Urine Tests

1. MNPD Requested

- a. If the suspect has an injury which prevents the taking of a breath test, the officer shall request that a blood sample be obtained.
- b. If the officer suspects drug usage, he/she will request a blood test.
- c. Any blood or urine sample collected as evidence will be processed using current department guidelines on property and evidence.
- d. Traffic offenses involving serious injury or death would be appropriate cases for which officers should consider whether or not a urine sample will be requested or sought. Because a urinalysis will reveal substances not detected by blood analysis in only a few instances, less serious cases would not justify the privacy intrusion imposed by the urine collection or justify the

procedural safeguards necessitated by the urine collection process. Procedural safeguards may include the assurance of privacy in obtaining the sample, assurance against contamination, chain of custody, etc.

- e. Where the seriousness of the suspected offense is sufficient and there is probable cause to believe that some substance other than, or in addition to, alcohol might be involved, the taking of a urine sample may be appropriate. The exigency of the situation would determine whether a warrant would be necessary. If there is no reason to believe that the substance believed to cause the impairment will dissipate before a warrant can be obtained, it may be more prudent to seek consent.

## 2. Suspect Requested

- a. If the D.U.I. suspect requests a blood test, he/she must first submit to an officer request for either a breath and/or blood test.
- b. After submitting to the breath and/or blood test, the suspect will be transported to a hospital, within Davidson County, of their choosing for the blood test.
- c. The blood test will be conducted and analyzed at the D.U.I. suspect's expense.

## I. Special Provisions Where Injuries are Present

- 1. All other provisions of this directive notwithstanding, once probable cause has been established that a driver of a motor vehicle involved in a crash, where either his/her passengers were injured or any occupant of another vehicle involved in the crash was injured, has committed a violation of TCA 55-10-401 (Driving under the influence of intoxicant, drug, or drug producing stimulant), TCA 39-13-213(a)(2) (Vehicular homicide by intoxication), or TCA 39-13-218 (Aggravated vehicular homicide), the officer **shall** cause the driver to be subjected to a blood test.
- 2. Pursuant to TCA 55-10-406, such test shall be performed regardless of whether the driver does or does not consent to such test.
- 3. A driver must still be informed of the implied consent warning. If he/she refuses, the test must still be conducted and the driver shall be charged with the additional violation of the Implied Consent Law.

4. For the purpose of mandatory testing, there is no probable cause requirement to show that the impaired driver caused the crash.
5. This applies to DUI cases in which another person (passenger, other car driver etc) is injured. Passengers must be interviewed to determine possible injuries. **This provision does not apply if the only injured person is the DUI offender.**
6. Provisions in number 5 above notwithstanding, MNPD officers shall request a test for blood alcohol and/or drug levels in all cases of a motor vehicle crash resulting in any injury where the officer has probable cause to believe the driver is under the influence of alcohol or intoxicants.

J. Prior DUI Related Convictions

When probable cause has been established that a driver has committed a violation of TCA § 55-10-401 (Driving under the influence of intoxicant, drug, or drug producing stimulant), TCA § 39-13-213(a)(2) (Vehicular homicide by intoxication), or TCA § 39-13-218 (Aggravated vehicular homicide), AND the driver has been previously convicted of TCA § 55-10-401 (Driving under the influence of intoxicant, drug, or drug producing stimulant), TCA § 39-13-213(a)(2) (Vehicular homicide by intoxication), or TCA § 39-13-218 (Aggravated vehicular homicide), the officer shall cause the driver to be subjected to a blood test.

1. Pursuant to TCA § 55-10-406, such test shall be performed regardless of whether the driver does or does not consent to such test.
2. A driver must still be informed of the implied consent warning. If he/she refuses, the test must still be conducted and the driver shall be charged with the additional violation of the Implied Consent Law.

K. Passenger Under 16 in the Vehicle

When probable cause has been established that a driver has committed a violation of TCA § 55-10-401 (Driving under the influence of intoxicant, drug, or drug producing stimulant), TCA § 39-13-213(a)(2) (Vehicular homicide by intoxication), or TCA § 39-13-218 (Aggravated vehicular homicide), AND a passenger in the motor vehicle is a child under the age of sixteen (16), the officer shall cause the driver to be subjected to a blood test.



1. Pursuant to TCA § 55-10-406, such test shall be performed regardless of whether the driver does or does not consent to such test.
2. A driver must still be informed of the implied consent warning. If he/she refuses, the test must still be conducted and the driver shall be charged with the additional violation of the Implied Consent Law.

**L. Refusal to Submit to Mandatory Drawing of Blood**

1. If the subject physically resists the drawing of the blood sample, the officer shall immediately notify their supervisor.
2. The supervisor must respond to the scene and take appropriate measures to ensure compliance with all applicable laws and departmental policies. The supervisor shall confer with medical staff and the officer to decide the most appropriate course of action to reasonably obtain a blood sample.
3. If at any time it becomes obvious that the subject's resistance could result in injury to himself/herself, the officer(s), and/or the medical staff, then the attempt to obtain the blood sample shall cease immediately.
4. The officer shall document in his/her official report all events including names and roles of all individuals present. Such documentation may be necessary to subpoena required witness to court to supply testimony regarding the suspect's behavior and/or level of intoxication.

**M. Release of Information on D.U.I. Testing Reports**

The Records Division stores original D.U.I. Testing Reports, MNPD Form 132. Any provisions of the Open Records Act notwithstanding, these reports as well as arrest reports and associated chemical test result sheets are limited in their general distribution and inspection to sworn members of the Metropolitan Nashville Police Department and authorized members of the Office of the District Attorney.

**K. Drug Influence Evaluation Reports**

The Records Division is responsible for the storage of original Drug Influence Evaluation Reports in accordance with current MNPD reporting procedures.

**NOTE:** Only Drug Recognition Expert (DRE) trained and certified officers shall complete the Drug Influence Evaluation Reports.

## **18.80 Conducting Field Interviews**

### **18.80.010 Generally**

It is the policy of the Metropolitan Police Department that all personnel shall adhere to the provisions herein with respect to conducting field interviews, gathering intelligence information and submitting MNP Form 114, Field Interview Report.

The Metropolitan Police Department considers the field interview an invaluable law enforcement tool. The process of field interviewing and submitting MNP Form 114, Field Interview Report provides services to the community both as a crime deterrent and an intelligence source for the department.

However, the field interview process is not to be used as a means of intimidation, harassment, or for statistical purposes.

When making contact with any individual(s) for the purpose of conducting a field interview, officers should be aware of any type of issue that may interfere with the subject's ability for communication/comprehension.

Issues interfering with communication/understanding may include hearing impairment, but also cognitive deficits (e.g. dementia), or other apparent behavioral/mental impairment.

### **18.80.020 Circumstances of Interview**

- A. The field interview is the stopping and questioning of a person by a law enforcement officer because the officer:
  - 1. Has reasonable suspicion that the subject may have committed, may be committing, or may be about to commit a crime;
  - 2. Believes the subject may be a hazard; or
  - 3. Believes the interview may have a preventive effect.
- B. Officers conducting stops based on reasonable suspicion, traffic stops, making arrests, answering suspicious subject or suspicious vehicle calls, or having any other encounter should complete the Field Interview Report.
- C. Stops Based on Reasonable Suspicion
  - 1. Officers may submit the Field Interview Report on persons encountered during stops based on reasonable suspicion that the

subject may have committed, may be committing, or may be about to commit a crime.

2. In order to justify a stop based on reasonable suspicion, an officer must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion. These facts should be listed in the narrative portion of the Field Interview Report.
3. Even where a stop based on reasonable suspicion does not result in further police action, the identity of the individual, and the circumstances which brought the individual to the attention of the officer, is likely to be useful in the intelligence gathering process.

#### **D. Traffic Stops**

If, as a result of the traffic stop, information comes to light which may be useful in the intelligence gathering process, officers are encouraged to submit the Field Interview Report, even if the traffic stop does not result in the issuance of a citation.

#### **E. Making Arrests**

A Field Interview Report should be completed when the arrested person is a potential suspect in other crimes. The officer should document data such as scars, marks, tattoos, deformities, detailed vehicle information, associates, and any other useful information.

#### **F. Suspicious Subject and Suspicious Vehicle Calls**

Officers responding to such calls may fill out the Field Interview Report. The report may be completed during a stop based on reasonable suspicion that the subject may have committed, may be committing, or may be about to commit a crime.

#### **G. Other Encounters**

There is no constitutional violation in approaching any individual on the street, or other public place, and asking that person questions. However, unless there is reasonable suspicion to stop the individual or probable cause for an arrest, the individual is not obligated to answer the questions - or to even listen to the questions. The individual may decline the request and/or walk away. The individual may not be detained, even momentarily, without reasonable objective grounds for doing so.

### **18.80.030 Responsibilities of Personnel Conducting Field Interviews**

- A. Check out with the ECC at the interview location.
- B. Conduct the interview, and when feasible, explain to the subject why he/she has been stopped.
- C. Obtain warrant and record check, and if not, document reason(s) in the narrative.
- D. Fill out the Field Interview Report, with explicit narrative explaining the circumstances.

### **18.80.040 Content of MNP Form 114, Field Interview Report**

#### **A. Incomplete Reports**

Often the subject of a Field Interview Report cannot or will not furnish satisfactory information to complete the report in its entirety. However, even a partial description of the individual and/or of the circumstances bringing the individual to the attention of the officer may provide valuable intelligence information. Therefore, officers are encouraged to submit pertinent information, via the Field Interview Report, even if the report cannot be completed in its entirety. **The reason the report is incomplete should be stated in the narrative.**

- B. Officers submitting the Field Interview Reports are not limited to the criteria set out on the report itself. Officers are encouraged to submit any pertinent information, via the Field Interview Report, which may be useful in the intelligence gathering process.

### **18.80.050 Control Provisions – Field Interview Report**

#### **A. Structure of Report**

The Field Interview Report will be of a format which provides pertinent information as required by the Crime Analysis Section, and may be modified as necessary.

#### **B. Availability of Report**

Black Field Interview Reports will be stored by the Inventory Management Section for distribution to the various elements via current requisition procedures.

**18.80.060 Processing the Field Interview Report**

- A. Supervisors shall review and sign the original MNPDP Form 114, Field Interview Report.
- B. The report shall be processed via “mail” transfer procedures.
- C. All original reports shall be forwarded to the Crime Analysis Section.
- D. Copies may be made for retention by personnel and/or element completing report.
- E. Should the member submitting the report desire that a copy be forwarded to a specific element or member, it should be noted on the Field Interview Report.

## **18.90 Interpreter Services – Cell Phone Translators & Language Line**

### **18.90.010 Generally**

Personnel should seek others at the scene, such as a neighbor, a friend, or the victim's children as the first avenue of interpretation on routine calls for service. If there is no one at the scene to assist in translating, the Metropolitan Nashville Police Department (MNPDP) currently provides two (2) options for police personnel to utilize when communication is necessary with non-English speaking persons:

- A. Utilization of on-duty bilingual personnel;
- B. The Language Line.

### **18.90.020 Personnel Requiring a Translation**

#### **A. On-Duty Bilingual Personnel**

Departmental personnel needing a translation will attempt to identify the language that is being spoken. Once the language is determined, officers shall utilize bilingual, on-duty personnel to interpret if available. Provided, the on-duty personnel are able to assist within thirty (30) minutes of the request. If on-duty personnel can assist, they shall contact their supervisor for permission to respond to the requesting officer's location to provide the needed services.

#### **B. Language Line**

1. When translation services are needed under emergency conditions, personnel may utilize the Language Line Service, which is an independently maintained interpreter service. Due to the fees charged for use of this service, personnel must adhere to the following criteria before utilizing this service:
  - a. No on-duty bilingual personnel that can speak the required language are available.
  - b. Personnel shall obtain prior approval by their immediate supervisor.
  - c. Personnel shall use the Language Line service only during an emergency incident or urgent situation, and not for protracted interviews or interrogations.
2. The following are generally allowable uses of the Language Line:
  - a. Obtaining information from victims of crimes,

- b. Descriptions of missing persons,
  - c. Brief interviews of witnesses, etc.
- 3. The following are generally prohibited uses of the Language Line:
  - a. Detailed interviews of witness,
  - b. Interrogations of suspects,
  - c. Working non-serious traffic accidents, etc.
- 4. Language Line Procedures:
  - a. Personnel shall contact their immediate supervisor for approval and to acquire the Language Line account number necessary to make the call to the Language Line Service.
  - b. When calling the Language Line the following information must be provided to obtain service:
    - 1) The language to be translated.
    - 2) Client identification number. The employee's supervisor can provide his number after the supervisor approves use of the service. Employees shall ensure the security of this number to prevent unauthorized use.
    - 3) The organization name, which is listed as the Metropolitan Police Department of Nashville.
    - 4) The personal code, which is the requesting employee's employee number.
- C. Anytime the Language Line is used, MNPd Form 054, Language Line Interpreter Service Request, shall be completed by the requesting officer, inspected by the employee's supervisor, and the original sent to Records. Copies shall also be forwarded to the Fiscal Affairs Division and the officer's case file, where appropriate.

**\*\*See Addendum I for information about current vendors and access numbers for Language Line use\*\***



## **ADDENDUM I**

# **Language Line Vendors a Basic Guide:**

Voiance Language Services – 1<sup>st</sup> choice  
Optimal Phone Interpreters – 2<sup>nd</sup> choice

***A reminder to follow the guidelines listed in 18.90 Interpreter Services – Cell Phone Translators & Language Line***

*Please complete MNPD form 054 and send the original to Central Records and a copy to Fiscal*

### **Voiance (Primary)**

The MNPD has two interpreter accounts (phone numbers) with the Voiance Language Services:

1. 911 Emergency account for emergency situations only
2. Non-Emergency account for all other language services needed

911 emergency account instructions:

- Dial 1-844-292-4210 to access the interpretation services
- Press “1” for Spanish press “0” for all others
- If at any time you wish to speak with a CS representative you can press “0”

Non-Emergency account instructions:

- Dial 1-866-998-0338
- When prompted enter account number: 21243
- Second prompt enter the 4-digit pin number: 0187
- Say the language needed
- Select if you would like to add an additional person to the call
- When the interpreter comes on the line, give the interpreter a brief explanation of the call

## Optimal (Secondary)

- Dial 1-877-746-4674 and be prepared to provide
- what language you need
- where you are calling from: Client ID# 6886 or Metro Nashville Police Dept
- Caller Name and Employee Number

## **18.100 Effective Communications With Individuals With Disabilities**

### **18.100.010 Generally**

- A. The Metropolitan Government and the United States Department of Justice have entered into an agreement to achieve compliance with Title II of the Americans with Disabilities Act of 1990. As part of the agreement, the Metropolitan Government will issue specific communication policies for effective communication. These policies have been agreed to by the Justice Department and the Metropolitan Government and are binding for the entire Metropolitan Government.
- B. It is the policy of Metropolitan Government of Nashville and Davidson County to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. The Metropolitan Government will furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a program, service, or activity conducted by the Metropolitan Government. In determining what type of auxiliary aid or service is necessary, the government will give primary consideration to the requests of the individual with disabilities.
- C. "Auxiliary aids and services" includes:
  - 1. Qualified interpreters, note takers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments; and
  - 2. Qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments.
- D. Notification
  - 1. A list of available contact persons can be found at 18.100.050. If you do not know which department is sponsoring or responsible for providing the program or service that requires the provision of auxiliary aids or services to ensure effective communication, contact the Metropolitan Government ADA Coordinator.

2. Requests for auxiliary aids or services should be made by the public in advance of the meeting, hearing or other program, service, or activity provided by the Government. For public meetings and hearings, the ADA contact person should be notified at least one week in advance. For on-going services and programs, the ADA contact person should be notified at least 48 hours in advance. For emergencies or urgent requests, the responsible ADA contact person or the Metropolitan Government ADA Coordinator should be notified immediately. The best effort to fulfill the request will be made.

**Example 1:**

The Precinct Community Coordinator is asked to come to the Women's Auxiliary Group to speak on safety issues concerning parking lot safety. The officer responding to the request for the aforementioned program will make contact with the Women's Auxiliary Group and ask if they have anyone in their audience that would require an "auxiliary aid or service" as it is defined under this policy. Should the group request an "auxiliary aid or service", the officer should notify the department ADA contact person at least one week in advance. Furthermore, the Auxiliary Women's Group will be required to publish in their program notification that the Police Department will accommodate any members with communication disabilities. This notification is required by Title II of the Americans with Disabilities Act of 1990 and will include the notification timeline and procedure as described in the order.

**Example 2:**

West precinct officers attend the monthly neighborhood watch meeting of the West End Neighborhood Alliance. One of the members of the Alliance suffers from a hearing disability. The officers know that this disability exists and that the member is likely to be present at each meeting. The officers should notify the ADA departmental contact person at least 48 hours in advance. Once again, the Neighborhood Alliance must publish in its newsletter or invitation to its members that the Police Department will accommodate any members with communication disabilities.

**Example 3:**

East Precinct is going to host an open house around the time of National Night Out Against Crime. In order to comply with Title II of the Americans with Disabilities Act of 1990, the invitations to the public must state that the Department will furnish the appropriate

auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in and enjoy the benefits of the open house. The invitation must also state that such requests for auxiliary aids by members of the public should be made at least one week in advance to the host of the event, (eg. Precinct Commander). The host of the event will then immediately notify the department ADA contact person, who will be responsible for notifying the requesting individual with a disability of the proposed auxiliary aid or service.

**NOTE:** For all activities, meetings, hearings, programs or services provided by a member of this department an ADA notification must be made. Regardless of whether the department sponsors the event or simply participates as a guest, the public must be made aware in advance that requests for auxiliary aids or services may be made and received to ensure effective communication.

#### E. Government Response

1. When an auxiliary aid or service is required to ensure effective communication, the government will provide an opportunity for an individual with disabilities to request the auxiliary aid or service of their choice. Primary consideration shall be given to the preference expressed by the individual. "Primary consideration" means that the government will honor the choice, unless it can show that another equally effective means of communication is available, or that the requested source would result in a fundamental alteration in the service, program, or a financial burden. The ADA contact person will consult with the individual with the disability to identify the nature of the aid or service and determine the most effective way to accommodate the request. The ADA contact person may ask the requesting individual clarifying questions to obtain a particular auxiliary aid or service.
2. Within 48 hours after the request, the ADA contact person will, in writing, notify the requesting individual with a disability of the proposed auxiliary aid or service to be provided. A copy of the proposal will be sent to the Metropolitan Government ADA Coordinator.

#### F. Grievance Procedures

If the requesting individual with a disability is dissatisfied with the ADA contact person's proposed auxiliary aid or service, the individual is encouraged to file a grievance with the Metropolitan Government ADA

Coordinator. The coordinator will promptly contact the individual in person or by telephone and attempt to resolve the grievance within one week.

**18.100.020 Guidelines for Training on Effective Communication in Police Situations Involving Individuals with Hearing Impairments**

- A. Successful police contact with citizens is characterized by effective communication between the parties whether it is a suspect, victim, or complainant with whom the officer is talking. As such, police officers encountering an individual with hearing impairment should use appropriate auxiliary aids and services whenever necessary to ensure effective communication with the individual.
- B. Auxiliary aids and services include qualified interpreters, written materials, note pads, and other effective methods of making aurally delivered materials available to individuals with hearing impairments.
- C. When an auxiliary aid or service is required to ensure effective communication, the Metropolitan Government Police Department must provide an opportunity for individuals with hearing impairments to request the auxiliary aids and services of their choice and must give primary consideration to the choice expressed by the individuals. "Primary consideration" means that the Metropolitan Government Police Department must honor the choice, unless it can show that another equally effective means of communication is available, or that use of the means chosen would result in a fundamental alteration in the nature of its service, program, or activity or in undue financial and administrative burdens.
- D. Police contact with citizens occurs most frequently during routine traffic stops. In situations involving drivers who are deaf and use sign language for communication, the officer should use appropriate sign language to initiate the exchange with the driver and should explain in writing the necessity for a stop and citation if the driver is to be charged with a traffic violation. The officer may not ask a family member or friend of the driver to interpret.

**Example:** An officer sees a vehicle run a stop sign. The officer pulls the vehicle over and when approaching the vehicle realizes that the driver is attempting to communicate with the officer by way of sign language. If the officer has received training in sign language, he/she will communicate to the driver that he/she will communicate by written means. If the officer has not been trained in sign language, he/she will use pen and paper to communicate with the driver. The officer will not ask a family member or friend of the driver to interpret.

1. If the officer is successful in communicating with the driver by way of note pad, he/she may issue the citation and release the driver.
2. If the officer is unsuccessful in communicating with the driver by way of sign language or writing and the driver can be cited and released without being questioned, then the driver does not need to be provided with an interpreter.
3. If the officer is unsuccessful in communicating with the driver by way of sign language or writing and the driver does not understand the nature of the non-criminal (example Metro Citation) infraction, then the officer should contact his/her immediate supervisor. The supervisor should use discretion as to whether to call a qualified interpreter to the scene or whether to issue a warning rather than a citation.
4. However, if the officer approaches the vehicle and sees, for example, a felony amount of crack cocaine on the back seat and arrests the driver based upon probable cause, the officer does not need to provide a qualified interpreter if he does not need to interview the driver prior to, or subsequent to, the arrest.
5. If however, under the felony cocaine example, the officer is unable to relate the nature of the criminal charge to arrestee by sign language, note pad or other means, the arrestee should be transported to booking and held until the arresting officer can convey the information to the arrestee through a qualified interpreter.

These guidelines address only those situations where a police officer, after consulting with the individual with a hearing impairment, determines that the services of a qualified interpreter are necessary to ensure effective communication.

**NOTE:** When an officer learns that an auxiliary aid or service is necessary to ensure effective communication with an individual with a hearing impairment, the department will allow the individual to request the auxiliary aid or service of their choice and must give foremost consideration to the individuals choice. This means that the department will honor the individual's choice unless: it would cause an undue financial and administrative burden on the department; it would significantly change the nature of the service, program or activity or another equally effective means of communication is available.

E. Arrest Upon Probable Cause Without An Interview

1. In circumstances where an individual without a hearing impairment would have been arrested on probable cause without an interview, then a suspect with a hearing impairment in the same situation usually does not need to be provided with a qualified interpreter.
2. However, a qualified interpreter may be required if an officer is unable to convey to the arrestee the nature of the criminal charges by communicating on a note pad or by using another means of communication. The arrestee should be transported to a holding cell where either the arresting officer or the transporting officer can convey the information through the interpreter when he or she arrives.

F. Interrogating an Arrestee With a Hearing Impairment

If an officer cannot effectively inform the arrestee of the Miranda warnings without the use of an interpreter, then the officer must secure the services of a qualified interpreter in order to communicate accurately the warnings to the arrestee prior to any interrogation. The interrogation will not proceed until the services of an interpreter are secured.

G. Issuance of Appearance Ticket

In circumstances in which an individual without a hearing impairment would be issued an appearance ticket without being questioned by the investigating officer, then a suspect with a hearing impairment in the same situation does not need to be provided with a qualified interpreter. If an officer has stopped a suspect for committing a non-criminal infraction and if the officer is unable to convey to the violator the nature of the non-criminal infraction by communicating on a note pad or by using another means of communication, then the officer should notify his/her immediate supervisor and they should use discretion as to whether to call a qualified interpreter to the scene or whether to issue a warning rather than a citation.

H. Interviewing a Victim or Critical Witness with a Hearing Impairment

If an officer is able to communicate effectively by writing questions on a note pad and having the victim or witness with a hearing impairment write his or her responses, then the officer may proceed with the interview using a note pad. However, if an investigating officer is



unable to communicate effectively with a victim or critical witness by using a note pad or some other means of communication other than a qualified interpreter, then the investigating officer must provide the victim or critical witness with a qualified interpreter.

I. Obtaining Qualified Interpreters

Officers will contact their immediate supervisor who will arrange for a qualified interpreter from the approved contractor list, and request that a qualified interpreter be provided. If the person requests an interpreter other than from the contractor, the request should be honored if the interpreter is available and qualified.

A. Reports/Evidence

All identifying information on the interpreter must be included on an offense or supplemental report, including the interpreter's name, the time the interpreter was called, and his/her time of arrival and departure. All written questions and responses between and among police officers and persons with hearing impairments must be treated as evidence and handled accordingly.

**18.100.030 Policy on Access to Emergency Communications Services**

A. Dialing 911 is the most familiar and effective way Americans have of finding help in an emergency. The Americans with Disabilities Act (ADA) requires all Public Safety Answering Points (public safety answering points) to provide direct, equal access to their services for people with disabilities who use teletypewriters (Teletypewriters), which are also known as 'telecommunications devices for the deaf (TDDs)."

B. Direct Equal Teletypewriter Access

1. General Requirements for Telephone Emergency Service Providers:

- a. The ADA regulation requires 9-1 -1 or other telephone emergency service providers to provide teletypewriter users with: direct access; and an opportunity to benefit from the emergency services that is equal to the opportunity afforded others.
- b. Direct access means that public safety answering points can directly receive teletypewriter calls without relying on an outside relay service or third-party services.

- c. Equal access means that the telephone emergency services provided for teletypewriter users are as effective as those provided for persons who make voice calls, in terms of:
  - (1) Response time;
  - (2) Response quality;
  - (3) Hours of operation; and
  - (4) All other features offered (e.g., automatic number identification, automatic location identification, automatic call distribution).
- d. Direct equal access requires public safety answering points to have the appropriate equipment to communicate with people who use teletypewriters. It also requires them to use the proper procedures and practices when teletypewriter calls are received.

## 2. Equipment

In order to afford equal access to teletypewriter users, every call-taking position within a public safety answering point must have its own teletypewriter or teletypewriter-compatible equipment. Public safety answering points must have systems that enable call takers to handle teletypewriter calls as properly, promptly, and reliably as voice calls.

## 3. Other Requirements for Teletypewriter Equipment – Maintenance and Back up

The ADA regulation contains a specific provision requiring that covered entities maintain their accessibility features and equipment in operable working condition. In addition to this specific maintenance requirement, the ADA's equal access requirement obligates Public safety answering points to implement equally effective procedures for maintenance and back-up capability for teletypewriter equipment as they provide for voice telephone equipment.

## 4. Switching Between Voice and Teletypewriter Modes

All call takers must have the capability to switch back and forth easily from teletypewriter mode to voice mode during the same call. This capability is necessary especially for silent calls, since call takers are required to first query the line by voice and then quickly switch to query the line by teletypewriter. This capability is also

necessary for voice carryover and hearing carryover, which are described below. Voice carryover and hearing carryover shorten the lengths of calls that would otherwise be conducted exclusively by typing. Call takers who use stand-alone Teletypewriters can switch from teletypewriter mode back to voice mode simply by removing the telephone handset from the teletypewriter couplers. Teletypewriter-compatible consoles for call takers should have built-in switching capability.

#### 5. Voice Carryover

It is a communication hybrid of teletypewriter and voice. Voice carryover allows a person with hearing loss to speak directly to the call taker and read the response that is typed back. Many persons who became deaf or hard of hearing later in life prefer to speak instead of type. They use what is called voice carryover. With voice carryover, the caller speaks directly into the phone, and the call taker types back via teletypewriter to the caller. Voice carryover can be accomplished with standard stand-alone teletypewriter equipment simply by having the call taker alternate between listening on the handset when the caller is speaking and placing the handset in the teletypewriter couplers to type a response.

#### 6. Hearing Carryover

People with speech impairments who are not deaf or hard of hearing often prefer hearing carryover. Hearing carryover allows them to type their words on a teletypewriter to call takers and hear call takers' spoken responses through their handset. Hearing carryover can be accomplished by a call taker using standard stand-alone teletypewriter equipment by alternating speaking into the handset and placing the handset in the teletypewriter when the caller types a response.

#### 7. Procedures for Handling Teletypewriter Calls

- a. In addition to proper equipment, direct, equal access for teletypewriter calls requires that public safety answering points use effective procedures for recognizing and responding to teletypewriter calls. Recognizing teletypewriter calls/treating silent, open lines as potential teletypewriter calls
- b. All call takers must be able to recognize and handle teletypewriter calls properly. There are three types of teletypewriter calls a call taker may receive. Some Teletypewriters emit a recorded spoken announcement to the

call taker that a teletypewriter call is being placed, such as "hearing impaired caller use teletypewriter." Other times, teletypewriter callers may press teletypewriter keys to emit audible tones and more quickly notify the call taker that a teletypewriter call is being placed. Most often, however, a person using a teletypewriter will make a call that is perceived by the call taker as a silent, open line call. This is because the caller's equipment does not recognize that the call has been answered until the call taker sends a teletypewriter response.

- c. The only way for public safety answering points to properly identify all teletypewriter calls is for call takers to recognize teletypewriter tones and to query every silent, open line call with a teletypewriter to determine if it is a teletypewriter call after it has been queried by voice.

## 8. Conducting Teletypewriter Calls

After teletypewriter calls are recognized, call takers must effectively communicate with callers during the calls. Effective communication by teletypewriter will require call takers to be familiar with the use of teletypewriter equipment and teletypewriter protocols.

## 9. Training

- a. Public safety answering points must train their call takers to effectively recognize and process teletypewriter calls. Call takers must be trained in the use of teletypewriter equipment and supplied with information about communication protocol with individuals who are deaf or hard of hearing, or who have speech impairments. For instance, callers who use American Sign Language use a syntax that is different from spoken English. In addition, in teletypewriter communication, certain accepted abbreviations are frequently used.
- b. The ADA does not specify how call takers must be trained, but the department believes that the following are essential to proper training:
  - (1) Training should be mandatory for all personnel who may have contact with individuals from the public who are deaf, hard of hearing, or who have speech impairments.
  - (2) Public safety answering points should require or offer refresher training at least as often as they require or offer training for voice calls, but at a minimum, every six months.

10. Comprehensive Training Should Include:

- a. Information about the requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers;
- b. Information about communication issues regarding individuals who are deaf or hard of hearing, or who have speech impairments, including information about American Sign Language;
- c. Practical instruction on identifying and processing teletypewriter calls, including the importance of recognizing silent teletypewriter calls, using proper syntax, abbreviations, and protocol when responding to teletypewriter calls and relayed calls; and
- d. Hands-on experience in teletypewriter communications, especially for new call takers, as part of their initial training orientation.
- e. To ensure the effectiveness of training, public safety answering points may want to consult the Emergency Access Self-Evaluation program, published as a manual by Telecommunications for the Deaf, Inc., under a Department of Justice grant. The EASE manual, which was reviewed by the Department, can be obtained for a fee by calling TDI at (301) 589-3786 (voice), (301) 589-3006 (teletypewriter), or (301) 589-3797 (FAX).

11. Testing

- a. 911 experiences have shown that frequent testing is essential to ensure direct, equal access. Testing call takers and their equipment is also the one of the most effective ways to ensure compliance with the ADA's requirement that accessibility features are maintained in operable working condition. The tests should be designed to ascertain whether teletypewriter equipment functions properly and whether personnel have been adequately trained to recognize teletypewriter calls quickly, to operate teletypewriter equipment, and to conduct teletypewriter conversations.
- b. To test whether call takers have been trained adequately to recognize teletypewriter calls, a public safety answering point should conduct two types of test calls--silent, open line calls in

which no tones are emitted and calls in which the caller introduces the call by transmitting teletypewriter tones. Tests should be unannounced.

**18.100.040 Legal Assistance and Support**

Assistance and advice regarding compliance with the Americans with Disabilities Act may be obtained from the department ADA coordinator or the Metropolitan Department of Law.

**18.100.050 Contact Persons**

A. Metropolitan Government Americans with Disabilities Coordinator:

ADA Coordinator  
222 3rd Avenue North  
Nashville, TN 37201  
Phone: (615) 862-6640  
FAX: (615) 862-6654

B. Metropolitan Police Department Americans with Disabilities Contact Person

Human Resource Manager  
Phone: 862-7351  
FAX: 880-2997

C. Contract Vendors Who Provide Interpreter Services

Bridges  
Monday – Friday 0800-1700 615-248-8828  
All other hours of service: 615-244-0979

## **18.110 Interviewing and Transporting Mentally Ill Persons**

### **18.110.010 Generally**

Police officers frequently come into contact with persons displaying disruptive or abnormal behavior. If that person has committed a significant violation of the law, it is the duty of the officer to arrest the individual and process him/her in accordance with standard Metropolitan Police Department procedures. It is the function of the courts, in such cases, to determine if treatment at a mental health facility is necessary. In cases where there is no violation of the law, or only minor violations of the law, and the individual demonstrates behavior of such a nature so as to indicate that he/she is a "mentally ill individual" who poses a "substantial likelihood of serious harm" to himself/herself or others, it shall be the duty of the investigating officer(s) to take action in accordance with the procedures listed in this policy.

### **18.110.020 Definitions**

For the purposes of this policy the following definitions apply:

- A. **Mentally ill individual:** an individual who suffers from a psychiatric disorder; excluding an individual whose only mental disability is mental retardation.
- B. **Consumer:** an individual who has voluntarily or involuntarily entered the medical system for treatment of a mental health: related illness.
- C. **Substantial likelihood of serious harm:** Where any one or more of the criteria listed in Article VI of this order exists and there is a substantial likelihood that such harm will occur unless the individual is taken into custody.
- D. **Mental Health Cooperative:** Mobile Crisis Response Team (MCRT)—A group of mental health professionals (available 24 hours a day, 365 days per year) accessible by the MNPd, who are trained to assess the mental status of individuals. Mobile Crisis Response Team professionals assess individuals afflicted with psychiatric disorders and not individuals who suffer solely from alcoholism or drug dependence.
- E. **Mental Health Cooperative (MHC):** The facility used by the Mental Health Cooperative: Mobile Crisis Response Team for assessments.
- F. **Youth Villages Crisis Team:** A group of mental health professionals (available 24 hours a day, 365 days a year) accessible by the MNPd, who are trained to assess the mental status of juveniles (17 and

under). Youth Villages Crisis Response professionals assess juveniles with psychiatric disorders or serious emotional disturbances.

- G. **33-6-404 paper:** A “certificate of need” authorizing the admission and detainment of a mentally ill individual by a hospital or treatment resource for emergency diagnosis, evaluation, and treatment under TCA 33-6-404. 33-6-404 papers are issued by a licensed physician or a licensed clinical psychologist; or any of the following professionals who have been designated as a Mandatory Pre-Screening Agent by the Tennessee Department of Mental Health and Developmental Disabilities TCA 33-6-427: licensed psychological examiner, licensed professional counselor, nurse practitioner, licensed clinical social worker, or licensed master social worker.

### **18.110.030 Evaluation Considerations**

#### **A. Information Gathering**

To determine the mental status of an individual, officers may take into account everything they personally observe, all physical evidence, and all things learned from witnesses or other persons supplying background information (hearsay). As a practical matter, this type of investigation may be compared to the gathering of probable cause during the investigation of a criminal matter. In this situation, however, the officer is weighing all the information gathered in an attempt to determine if the person is a "mentally ill individual" and poses a "substantial likelihood of serious harm" to himself/herself or others.

#### **B. Hearsay**

In evaluating hearsay information, the officer should make every effort to determine that the person supplying the information is credible and that there is a reasonable basis for believing the content of the information. An officer should also look to the motivation for supplying such information. For example, is the person a disinterested witness with no basis for supplying misinformation, a family member showing concern, a family member with some underlying motive for wanting the person in question removed or a professional person with some on-site information or information gathered during a previous encounter with the individual in question. Further, an officer should evaluate the basis of the information supplied. For instance, a physician who has previously treated the consumer would have specific information related to the individual's past behavior. Any information based on hearsay and not observed by the officer shall be documented in an MNPD Form 100, Incident Report. The officer shall include the name,



address, phone number, and relationship to the consumer of the person providing the hearsay information.

#### **18.110.040 Criteria**

- A. Officers receiving a call for assistance on, or in any way becoming aware of, a situation involving a "mentally ill individual" will make such investigation as necessary to determine if that person poses a "substantial likelihood of serious harm" to himself/herself or others. Officers are not required to make a mental or medical diagnosis of the individual. Officers are merely required to make a practical common-sense decision, whether, given all the facts and/or circumstances reasonably available to the officer, there is a reasonable basis for believing that the individual in question is a "mentally ill individual" and meets the criteria listed below.

Consistent with TCA 33-6-401 and 33-6-404, a mentally ill person must exhibit an immediate substantial likelihood that serious harm will occur unless the person is placed under involuntary treatment **AND** one or more of the following:

1. Threatened or attempted suicide or to inflict serious bodily harm on such person;
  2. Is unable to avoid severe impairment or injury from specific risks;
  3. Threatened or attempted homicide or other violent behavior; or
  4. Placed others in reasonable fear of violent behavior and serious physical harm.
- B. After an investigation by the officer following the guidelines and using the resources listed below, the officer and his/her supervisor (if necessary) shall determine if the situation necessitates custodial or non-custodial action.

1. Non-custodial Action

If, after careful evaluation of the situation, with assistance from supervisory personnel and mental health professionals, the officer(s) determines that the individual in question is not a "mentally ill individual" or that the individual does not pose a "substantial likelihood of serious harm" to himself/herself or others, and where no criminal offenses have occurred, the officer(s) will take no action, other than the offering of community resource information. The officer(s) shall advise any inquiring persons that

the individual in question does not fit the criteria for emergency involuntary treatment and cannot be taken into custody without prior judicial authorization. Calls requiring an officer to take this action regarding a mentally ill individual shall be reviewed by the officer's supervisor (in-person, or via telephone) before the officer checks back into service.

## 2. Custodial Action

If a determination is made that the individual in question is a "mentally ill individual" and that the individual poses an immediate "substantial likelihood of serious harm," the officer(s) is authorized by TCA S 33-6-402, to take that person into custody. The officer would then abide by the procedures listed in this policy: contacting the MCRT, completing MNPd Form 100, and transporting him/her to the Mental Health Cooperative for further examination by a mental health professional (for the address and phone number of the Mental Health Cooperative see Attachment #2). No civil order or warrant is necessary. The officer(s) should be prepared to relate the facts and circumstances known to them to the examining medical professional in order to assist him/her in making an evaluation. The Incident Report narrative shall describe the underlying reasons for taking the individual into custody (for policy on providing assistance to a physician with a consumer see page seven, Article VIII, Section E).

**NOTE:** The Mental Health Cooperative is the only caregiver authorized by the MNPd for mental health assessments unless otherwise directed by the MCRT.

### **18.110.050 General Guidelines**

- A Officers shall do the following when determining if an individual is mentally ill and requires custodial assistance:
  - 1. Interview the individual and make observations regarding mental status;
  - 2. If the individual is in obvious need of medical attention (other than from the mental illness) and an ambulance has not been dispatched, the officer shall notify an ambulance according to current departmental policy;
  - 3. Contact the Mobile Crisis Response Team by telephone, provide the MCRT with any other necessary information, and abide by the Mobile Crisis Response Team's request to transport the individual

to a hospital, take him/her to the Mental Health Cooperative, or take other actions as directed by the MCRT. If a phone is not available, information regarding the individual (excluding information that would violate federal or state laws regarding patient confidentiality) should be relayed to the Mobile Crisis Response Team through Emergency Communications Center personnel; and

4. Complete an MNPD Form 100, Incident Report, consistent with the MNPD Report Writing Manual.
- 
- B. If the individual is transported to the Mental Health Cooperative by MNPD, the officer **shall remain with the individual and provide security** until released by the Mobile Crisis Response Team. Individuals transported during the mental health evaluation process shall be restrained as per current departmental policy.
  - C. If 33-6-404 papers are issued and the individual does not need medical clearance or time to recover from the effects of an intoxicant, the officer shall transport the individual and the 33-6-404 paperwork to the designated facility.
  - D. Requests from a treatment facility to provide transportation to another treatment facility shall be directed to the Warrants Division unless specified otherwise by an agreement between the assistant chiefs of the Uniform Services and the Investigative Services Bureaus or the Chief of Police.
  - E. TCA 33-6-404 states that the examining physician "...shall complete a certificate of need... showing the factual foundation for the conclusions..." that the individual is mentally ill and poses an immediate substantial likelihood of serious harm to himself/herself or others. The transporting officer(s) has a right and duty to inspect these documents to ensure that they are signed by a licensed physician or a licensed clinical psychologist; or any of the following professionals who are part of the county mobile crisis response team: licensed psychological examiner, licensed professional counselor, nurse practitioner, or licensed/certified social worker. The documents must also show the factual foundation for detaining the individual for evaluation and are otherwise properly completed. In no event will an individual be transported, on an involuntary basis, from one treatment facility to another on a mere "referral" or oral request.
  - F. Sworn personnel from the patrol precinct where the call originated are responsible for transporting the consumer (to the Mental Health Cooperative for example) during the mental health evaluation and diagnosis process.

- G. If the individual has outstanding criminal warrants and requires a mental health evaluation, the officer shall, if possible, refrain from serving the warrants and notify his/her supervisor. The warrants should be served after the individual has been released by mental health professionals. Notification of the warrants shall be attached to the individual's documentation that goes to the treatment facility. The notification sheet should instruct employees at the treatment facility to contact the MNPDP Warrants Section before releasing the individual.
- H. If ambulance personnel transport an individual who has attempted suicide to a hospital, the officer shall investigate the incident and complete an Incident Report. Unless directed by an MNPDP supervisor, the officer is not required to remain at the hospital once the investigation and report are complete.
- I. If, due to exigent circumstances, the individual cannot be transported to the Mental Health Cooperative, the Mobile Crisis Response Team may respond to a specific location. An MNPDP supervisor shall cooperate with the Mobile Crisis Response Team when determining if any special response is required.

#### **18.110.060 Specific Guidelines**

After complying with the provisions listed above in Article 18.110.040, officers shall adhere to the following:

##### **A. Adult Provisions**

If the individual requires medical clearance due to intoxication:

1. As directed by the Mobile Crisis Response Team, the officer shall transport the individual and related paperwork to Metro General Hospital (Metro General Hospital is the only authorized facility for this procedure unless otherwise directed by the MCRT). The consumer will be held for a period of time necessary for the individual to recover from the effects of the intoxicant (approximately four to six hours). The officer shall remain with the consumer during this time. The MCRT will be contacted by General Hospital personnel when the consumer is medically cleared. The MCRT will then respond to Metro General Hospital for a follow-up assessment, and a disposition will be determined at that time.
2. If 33-6-404 papers are signed after the follow-up evaluation, MNPDP personnel will transport the individual and accompanying documents to the designated facility.

3. If 33-6-404 papers are not signed, an officer shall, within reason, transport the individual away from the location. If the individual has outstanding criminal warrants, the warrants shall be served after the Mobile Crisis Response Team has completed the individual's evaluation.

**B. Juvenile Provisions**

1. Crisis services for individuals 17 and under are provided by the Youth Villages Crisis Team. For individuals 17 and under, officers shall contact the Youth Villages Crisis Team and follow the steps as outlined under the adult provisions.
2. If the Youth Villages Crisis Team issues 33-6-404 papers, the officer shall transport the juvenile and 33-6-404 papers to the facility designated by the MCRT.
3. If the juvenile requires time to recover from the effects of an intoxicant, the officer shall remain at the hospital until released by the Youth Villages Crisis Team.

**C. Individuals Afflicted Solely with Drug Dependence or Alcoholism**

Under TCA Title 33, persons solely afflicted with drug dependence and/or alcoholism are considered mentally ill individuals. Any person detained for a mental health evaluation that suffers solely from drug dependence and/or alcoholism shall be transported to an appropriate medical facility as directed by the Mobile Crisis Response Team.

**D. Non-committal Situations**

If the assessing mental health professional determines that an emergency admission is not required, and where no criminal offense has been committed, the officer(s) shall release the individual. The officer shall offer to transport him/her back to the site where the individual was taken into custody; or, if directed by the MCRT, the officer shall transport the individual to an alternate site within reason (e.g. homeless shelter, consenting relative's house, etc.). Where appropriate, the officer(s) shall make an effort to notify any concerned friends or family member of the release.

**E. Assisting Physicians**

Officers may assist a physician with certified 33-6-404 papers by taking into custody and transporting an individual to a medical facility. Before taking this action, the officer shall gain supervisory approval. Further,

personnel may ask the Mobile Crisis Response Team to place a "courtesy call" to verify availability for the consumer at the requested mental health facility.

#### **18.110.070 Assistance to Mental Health Facility Personnel**

On occasion the transporting officer(s) may be requested by mental health facility security personnel to assist in escorting the individual to a secure or "lock-up" area. Where necessary, the officers(s) will provide such assistance but will not take control of the situation unless it is apparent that security personnel are unable to retain control. In no event will a Metropolitan Police Officer be required to disarm himself/herself and check his or her weapon.

#### **18.110.080 Local Accommodations Not Available**

- A. In accordance with policies and procedures set forth by the Mobile Crisis Response Team (MCRT), the MCRT shall determine if an individual meets the criteria for an emergency committal and then shall determine the location of the nearest facility with accommodations to receive the individual.
- B. If accommodations are not available within Davidson County, the MCRT shall determine if there are accommodations available in the surrounding counties or within a reasonable distance.
  - 1. If accommodations are found within the surrounding counties, the transporting officer shall contact immediate supervisory personnel for approval to transport.
  - 2. If accommodations are found, but outside the surrounding counties, the transporting officer shall contact appropriate supervisory personnel for guidance and to determine the most expeditious means of transportation.
  - 3. The supervisor should take into account such things as distance to the alternate facility, time left during the shift and availability of Warrant Division personnel when determining the most expeditious means of transportation to facilities outside those counties which surround Davidson County.
- C. Where feasible, Warrant Division personnel should be utilized to transport the individual to the appropriate facility for admission if located outside of the surrounding counties.

- D. If Warrant Division personnel are not available, the transporting officer's immediate supervisor shall consult with the detail lieutenant and/or on duty personnel from the Field Supervisor Section to determine the most appropriate and expeditious method of transport.
- E. TCA 33-6-406(b) provides for the procedures regarding transportation to a "hospital or treatment resource" as a result of completion of the 33-6-404 papers. In particular, it provides notice requirements to the facility before transportation begins and requirements of the transportation agent to remain at the facility up to one (1) hour and forty-five (45) minutes while the person is further evaluated. TCA 33-6-406(b)(4) further provides that these provisions are not applicable to counties having a population of six hundred thousand (600,000) or more. The official census of 2010 places Nashville in excess of six hundred thousand (600,000) and therefore, once the person is safely delivered and received, the transporting officers are "relieved of further transportation duties after the person has been delivered to the hospital or treatment resource".

#### **18.110.090 Conflicts or Unusual Situations**

Should any situation arise that is not specifically covered by this order or should any conflict in procedures arise, either at the requesting medical facility or at a mental health facility, the transporting officer(s) will contact appropriate supervisory personnel immediately.

#### **18.110.0100 Individuals Afflicted with Alzheimer's Disease**

Emergency Communications Center personnel can access information from the CAD system pertaining to some Alzheimer's patients. Patients who are enrolled in this MNPd program wear a bracelet with an engraved identification code. Emergency Communications Center personnel can use the identification code to obtain the patient's name, address, caretaker, etc. Patients can be registered into the program by contacting the Emergency Communications Center.

## **18.120 Criminal Gangs**

### **18.120.010 Purpose**

The purpose of this directive is to establish procedures for identification, confirmation, and tracking of individuals determined to be members of a criminal gang.

### **18.120.020 Policy**

It is the policy of the Metropolitan Nashville Police Department that all personnel adhere to the provisions herein regarding reporting, identification, confirmation, and tracking of criminal gangs.

### **18.120.030 Definitions**

- A. **Gang/Criminal Gang:** Three or more individuals who associate periodically as an ongoing **criminal** group or organization, whether loosely or tightly structured. A criminal street gang will include most, or all, of the following elements:
1. The group or organization may have identifiable leaders, although the leader for one type of criminal activity may be different than the leader for another type of criminal activity;
  2. The group has a name or identifying symbol;
  3. The organization's members, individually or collectively, currently engage in or have engaged in violent or other criminal activity that may include homicide, assault with a deadly weapon, aggravated assault, arson, intimidation of witnesses and/or other persons, robbery, forcible rape, kidnapping, vandalism (graffiti), burglary, larceny, and drug trafficking. In most instances, gang crime involves violence, drugs, weapons, or a combination thereof; and/or
  4. The group frequently identifies with or claims control over specific territory (turf) in the community, wears distinctive dress and/or colors, and communicates through graffiti and/or hand signals, among other means.
- B. **Gang Motivated:** Any crime where both the suspect and victim are members or the crime is related to inter-gang encounters. Gang-motivated crimes may involve inter-gang violence for retaliation or specific territory (turf) protection, intimidation, robbery, recruitment, or other criminal activity that affects the gang's reputation or interests as a whole. In classifying the incident, focus is placed on the nature of the



specific situation in which the illegal act occurs, such as a drive-by shooting or the use of a gang slogan in the course of the crime. If a gang member commits a crime that, in itself, does not make it a "gang motivated" crime.

- C. **Gang Related:** Any crime in which a gang member is the suspect, offender, or victim, when a gang motive is determined.
- D. **Confirmed Gang Member:** An individual will be considered a confirmed gang member when he/she achieves ten (10) or more points from the listed criteria:
- |                 |                                                                                                       |
|-----------------|-------------------------------------------------------------------------------------------------------|
| <b>1 point</b>  | -wearing of gang colors, clothing, and/or paraphernalia in such a way that indicates gang affiliation |
| <b>1 point</b>  | -possession of commercial gang related publications                                                   |
| <b>1 point</b>  | -known contact with confirmed gang members                                                            |
| <b>2 points</b> | -consistent observed contact with confirmed gang members                                              |
| <b>2 points</b> | -participating in photo with confirmed gang member                                                    |
| <b>3 points</b> | -use of hand signs, possession/use of symbols, logos, graffiti that clearly indicate gang affiliation |
| <b>3 points</b> | -possession of gang documents - roster, procedures, by-laws, etc.                                     |
| <b>3 points</b> | -sending/receiving correspondence to/from confirmed gang members                                      |
| <b>5 points</b> | -outside jurisdiction information/documents                                                           |
| <b>5 points</b> | -the subject's victims or targets of crime are members of a rival gang                                |
| <b>8 points</b> | -gang tattoos/brands                                                                                  |
| <b>8 points</b> | -participation in gang publications-submitting articles, illustrations, etc.                          |
| <b>8 points</b> | -named a gang member in correspondence                                                                |
| <b>8 points</b> | -subject identified as a gang member by another gang member                                           |
| <b>8 points</b> | -subject involved in criminal gang incidents                                                          |
| <b>8 points</b> | -subject's name appears on a gang roster, hit list, or gang related graffiti                          |

- 9 points**      -self admission
- 9 points**      -subject identified as a gang member by a reliable informant
- 10 points**     -confirmation through outside agency gang unit

- E. **Hard-Core Gang Member:** Are the most dangerous and violence prone. These are the gang leaders and enforcers. Completely committed to gang life, hard-core members tend to be in their late teens and older, and have had numerous contacts with the criminal justice system.
- F. **Associate Gang Members:** Are criminally active and claim allegiance to the gang but usually participate in fewer gang activities than do hard-core members. Generally in their teens, associates tend to exhibit violent or aggressive behavior and often commit crimes to elevate their status within the gang. Associates' commitment to gang life may not be as strong as that of the hard-core members.
- G. **At Risk (Wannabes):** Have not yet joined a gang but express gang values and may assume the outward signs of gang involvement (for example, clothing and hand signs). Often on the fringes of criminal activity, at risk persons sometimes act as runners or weapons holders, and some can be dangerous in their attempts to impress gang members.

#### **18.120.040 Tracking**

- A. MNPD Form 114, Field Interview Report, will be used to document gang involvement, association, and gang activity. The field interview process is to be used only when there is an investigative need and shall not to be used as a means of intimidation or harassment.
- B. Employees will follow all current departmental policy for the process of field interviewing suspicious persons and/or criminal suspects, and the completion of the Field Interview Report. As with other department reports, the Field Interview Report will be reviewed by the field supervisor and approved before being processed via current report " transfer procedures.
- C. All original Field Interview Reports shall be sent to the Special Investigations Division, via current mail procedures. In addition, any original supporting documentation or pictures should be attached to this report before being forwarded.

- D. Upon receiving Field Interview Reports, the Special Investigations Division will enter all information into a database, file originals, analyze all reports for applicability to various types of crimes and/or locations, and forward copies to the appropriate investigate elements or personnel.
- E. Attached pictures, publications, correspondence or literature documenting gang involvement will be forwarded, along with a copy of the Field Interview Report to Specialized Investigations Division.
- F. The Specialized Investigations Division shall have the responsibility of maintaining a copy of the Field Interview Report and supporting documentation in an appropriate filing system that will include gang name, updated membership roster, criminal basis of the gang, geographical gang area and other related information.
- G. After a thorough analysis of criminal gang intelligence, the information and materials with investigative potential will be forwarded to the appropriate personnel. Gang related information recorded during field interviews will be distributed only to law enforcement personnel or criminal justice agencies on a need-to-know basis.

**18.120.050 Enforcement**

The Specialized Investigations Division shall be the central repository of gang intelligence, and is responsible for the distribution of analyzed data on a timely basis to investigative and enforcement elements to focus on the criminal violations committed by criminal gangs. The Specialized Investigations Division will assist any requesting component with additional expertise in the area of gang activity.

## **18.130 Reporting Auto Theft Offenses**

### **18.130.010 Determination If Criminal Offense Occurred**

- A. Upon responding to a complaint of an auto theft offense, personnel shall interview the complainant to determine if a criminal offense has in fact occurred. This interview process should include questions concerning possible non-criminal explanations for the absence of the vehicle, such as: repossession; misplacement of vehicle due to intoxication or disorientation in parking area; vehicle being taken by an authorized family member, friend, or co-worker; parking violation enforcement, etc.
- B. After completing this interview, personnel shall determine whether the vehicle is missing due to a criminal offense.
  - 1. If the absence of the vehicle is attributable to a non-criminal reason, terminate involvement in the matter.
  - 2. If the absence of the vehicle is attributable to a criminal offense, proceed to 18.130.020.

### **18.130.020 Reporting Criteria Based on Registered Owner**

- A. State law and departmental policy require a different set of reporting criteria, depending upon who or what is the registered owner of the stolen vehicle.
  - 1. If the registered owner is an automobile rental or lease agency, and the missing vehicle is "overdue" when it should have been returned pursuant to a written agreement, **the vehicle must be at least 72 hours overdue before a crime has been committed** and a report of the crime made.
  - 2. However, if the registered owner is an automobile rental or lease agency, and the preponderance of evidence indicates that a crime has been committed, then a report shall be made. ("Preponderance of evidence" may be evinced by use of a worthless or stolen check or credit card, discovery of the vehicle as "missing" without being leased or rented, the vehicle being discovered abandoned, or the vehicle or its license plate being used in another crime.)
  - 3. If the registered owner is a private person, business, or government entity the law requires the responsible law enforcement agency to immediately report the crime if all departmental reporting requirements are met.

- B. If the reporting criteria listed above are not met, explain to the complainant why the incident cannot be processed at present and return to service.
- C. If any of the reporting criteria listed above are met, proceed to 18.130.030.

**18.130.030 Proof of Ownership and Identification Required**

- A. Credible proof of ownership is required before a report will be made. This requirement ensures the accuracy of data recorded on the report and entered into departmental computer systems. "Credible proof of ownership" may be evinced by:
  - 1. Registration or title documents, or
  - 2. Insurance documents, or
  - 3. Purchase or lease documents, or
  - 4. Payment or lien holder documents, or
  - 5. Memory of tag number, or
  - 6. Tag listed in traffic citations, or
  - 7. Use of MNPDP computer system (if registered in Davidson County), or
  - 8. Any other source which the complainant may have if the responding personnel can articulate and document his/her use of and reliance on such information.
- B. Valid identification is required of the complainant before a report is made. This requirement further ensures the accuracy of data recorded on the report and entered into departmental computer systems. Personnel shall use investigative skills and may employ sound discretion when the identification requirement cannot be met by a complainant due to the theft of his/her wallet, purse, etc.
- C. If the proof of ownership and identification requirements listed above are not met, explain to the complainant why the incident cannot be processed at present and return to service.
- D. If the proof of ownership and identification requirements listed above are met, proceed to 18.130.040.

**18.130.040 Report Required**

- A. Responding personnel shall complete and MNPDP Form 100, "Incident Report," if all of the criteria in this order are met.
- B. Such report shall be completed in accordance with current report-writing policy.
- C. Such report's narrative shall include the items of identification used to confirm ownership.

**18.130.050 Notification to Complainant**

Upon completing the report, personnel shall advise the complainant of the following:

- A. The complaint number (via MNPDP Form 146, "Citizen's Information Notice"), and
- B. To obtain an arrest warrant if the suspect(s) is/are known, and
- C. To call back if the vehicle is seen or located or other additional information is discovered, and
- D. That an Auto Theft Unit investigator will contact him/her if there is information to report or a question.

**18.130.060 Reporting Recovered Stolen Vehicles**

For report writing and documentation purposes, recovered vehicles will fall into one of two categories: they were stolen from within MNPDP jurisdiction or they were stolen from outside MNPDP jurisdiction.

**A. Stolen from Within MNPDP Jurisdiction**

Vehicles stolen within MNPDP jurisdiction will be recovered in accordance with current report-writing policy. Unusual factors to consider include:

- 1. Whether the vehicle was recovered prior to being reported as stolen, and
- 2. Whether the vehicle was taken in some type of civil or domestic dispute which would not result in a "stolen" report.

**B. Stolen from Outside MNPDP Jurisdiction**

Vehicles stolen outside MNPd jurisdiction will be recovered in accordance with current report-writing policy. However, the recovering officer shall also:

1. Send a notifying teletype to the originating agency (ORI) if the recovery is pursuant to an NCIC "hit", or
2. Send a notifying teletype to the jurisdictional law enforcement agency for the registered owner's address if the recovery is not pursuant to an NCIC "hit," but the vehicle is apparently stolen.

**IMPORTANT:** The teletypes will be sent by the Records Division when requested in person or by radio. Telephone requests will not be honored. Furthermore, the teletype requirement applies to vehicles stolen in Davidson County but reported by another ORI (i.e., Belle Meade P.D., Goodlettsville P.D., etc.).

#### **18.130.070 Processing Reports**

The MNPd Form 100, "Incident Report," will be sent through the normal "mail" transfer process and approved, sorted, reviewed, and duplicated as required by current practice or policy.

#### **18.130.080 Responsibilities of Data Entry Section**

The Records Division Data Entry Section will be responsible for assuring that the report is entered into both the MNPd computer system and the NCIC system. Such entries shall be checked for accuracy and adherence to established rules and regulations governing the use of such computer systems and networks.

#### **18.130.090 Responsibilities of Auto Theft Unit**

- A. Auto Theft Unit supervisors shall review each incident and assign the case to an investigator for follow-up.
- B. Investigators shall work each case in the appropriate manner based on its solvability.
- C. All desired changes to any computer records generated by the Data Entry Section shall be documented on MNPd Form 104, "Supplement Report."

## **18.140 Natural Death Incidents and Death/Serious Injury Notification Procedures**

### **18.140.010 Generally**

- A. The purpose of this order is to communicate procedures for responding to death and serious injury incidents and procedures for the notification of next of kin.
- B. It is the policy of the department that all notifications of next of kin of deceased, seriously injured, or seriously ill persons are carried out promptly and in a considerate manner.

### **18.140.020 Natural Death Incidents**

- A. Determination of the nature of death

The responding officer shall ascertain from medical authorities that the death occurred due to natural causes. Such medical authorities include: Nashville Fire Department paramedics, Medical Examiner's Officer, or the attending nurse and/or doctor.

- B. Natural deaths under the care of a hospice program

The jurisdiction of the Medical Examiner's Office, as defined by state law, does not include cases of persons who die under the care of a physician licensed to practice in Tennessee. The law does not require that hospice deaths be reported to the Medical Examiner's Office for evaluation unless the circumstances are suspicious, unusual, unnatural, or if a cremation is to be performed.

T.C.A. Section 68-3-511 has specific procedures regulating hospice cases.

A registered nurse may make the actual determination and pronouncement of death under the following circumstances:

1. The deceased was suffering from a terminal illness;
2. Death was anticipated, and the attending physician or hospice medical director must be present and with the deceased at the place of death;
3. Prior to death, the deceased had been receiving the services of a Medicare-certified hospice program licensed by the State of



Tennessee (certification may be verified through the Tennessee Department of Health, Health Care Facilities Certification Section);

4. The nurse is licensed by the State of Tennessee; and
5. The nurse is employed by the attending hospice program.

**NOTE:** The Metropolitan Medical Examiner's Office has instituted a revised policy regarding hospice deaths within Davidson County. Certified hospice programs will no longer be required to notify the Medical Examiner's Office, or the police department of natural deaths meeting the above criteria.

The attending registered hospice nurse will be required to notify the Medical Examiner's Office and/or the Metropolitan Police Department if the circumstances of death are suspicious, unusual, or unnatural. or if a cremation is to be performed.

- C. Department personnel will not respond to and/or complete an incident report for deaths stated in Article III., Section B., unless circumstances of the death are reported as suspicious, unusual, unnatural.

When the department has been notified of a hospice death all information pertaining to the death will be forwarded to the Medical Examiner's Office by Emergency Communications Center (ECC) personnel.

If a reported hospice death is suspicious, unusual, or unnatural, a sworn employee will respond to the death scene and follow established investigative and reporting procedures. An officer will be dispatched to a hospice death scene when a cremation is reported to be performed only when that death is reported as suspicious, unusual, or unnatural.

#### **18.140.030 Unidentified Decedent**

- A. The responding officer shall perform all appropriate duties at the scene, including completion of MNPDP Form 100, Offense Report. If the officer has been unsuccessful in identifying the deceased or notifying the next of kin, upon conclusion of their duties, the Precinct Investigation Unit wherein the death occurred and the Chaplain's Section will be notified. The completed offense report shall then be processed through normal department mail transfer practices. The Precinct Investigator shall ensure the Cold Case/Homicide Unit has been notified.

- B. After notice of an unidentified decedent, the Precinct investigator will then assume responsibility for the identification of the deceased. Once the deceased has been identified, the Precinct Investigator will be responsible for notifying the Chaplain's Section of the identity of the deceased.
- C. When the identity of the deceased has been confirmed and no next of kin notification has been made, the Chaplain's Section will then assume responsibility for the notification of the next of kin.

#### **18.140.040 Procedures for Next of Kin Notifications**

- A. **At no time will a member of this department make a death notification by telephone, or transmit over the radio the name of a deceased person until the next of kin have been notified.**

- B. Death notification when the next of kin is not present at the scene

The Chaplain's Section will be notified immediately. If a chaplain is not on duty, the employee in charge of the scene will have ECC personnel notify the on-call chaplain. It will be the responsibility of the employee in charge of the scene to determine if the next of kin are present at the scene.

- C. Death notifications when the next of kin are present at the scene

It is not necessary to notify the Chaplain's Section if the next of kin are on the scene and a death notification is not required. If assistance is needed and a chaplain is on duty, have ECC personnel notify the chaplain to respond to the scene. If a chaplain is not on duty, a call out is not necessary. The officer in charge of the scene will attempt to locate the family's minister, priest, rabbi, or other support persons, if needed.

- D. Next of kin notification when a critically injured or deceased person has been transported to a hospital

When a person has been transported to a hospital and dies, the hospital chaplain or social worker should make the next of kin notification(s); the department chaplain does not need to be contacted. The investigating officer shall contact or have ECC personnel contact the hospital and verify if the hospital is making the notification. If the hospital chaplain or social worker is not, or cannot, make the notification, the investigating officer will document this and then be

responsible for having the Chaplain Section personnel informed immediately to make the death notification.

E. Notification during mass casualties, natural disasters, etc.

The department personnel in charge of the scene will be responsible for notifying or having ECC personnel notify the Chaplain's Section personnel immediately.

F. Reporting the notification

On all death incidents/investigations MNP Form 104, Supplemental Report, will be completed including the following information:

1. Name of the person or next of kin notified of the death;
2. Address and telephone number of the person notified;
3. The notified person's relationship to the deceased;
4. How the next of kin was notified;
5. Where the body has been transported;
6. If the next of kin were advised of the procedures to take/obtain the body; and/or
7. If the next of kin were advised if an autopsy would be performed by the Medical Examiner's Office personnel.

G. Death notifications when the department chaplain is not available:

Whenever possible, two employees shall make the initial contact with an adult family member or next of kin of seriously injured or deceased persons. This contact should be made in person.

Assistance can be requested from the Behavioral Health Services Division if the department chaplain is not available.

H. Request to assist other agencies of a death notification:

When the department receives requests to assist other agencies with next of kin notifications, it should be determined that the requesting agency and the request is valid prior to any notification, so as not to place undue stress and hardship on the person(s) contacted. The request to assist another agency with a next of kin notification should be in the form of a written request (teletype, facsimile, etc.).

The Chaplain's Section shall be notified of such request. The chaplain will determine if the chaplain needs to make the notification or if other personnel can make the notification.

I. Requesting assistance from outside agencies in making a death notification:

Notification to the law enforcement agency having jurisdiction over the residence of next of kin shall be made to that agency by telephone or teletype. For security reasons when the teletype is used for this purpose, the agency shall be requested to telephone this department for general information or questions concerning the notification. Details of the death shall not be provided by teletype. The agency shall be asked to contact the next of kin in person. The name of our contact person, the investigator or shift supervisor, and their department telephone number will be provided to the next of kin for any additional information. No explicit details concerning the death are to be given over the telephone.

J. Releases to the news media:

Tennessee state law mandates that law enforcement officers and employees of law enforcement agencies shall make a reasonable effort to promptly notify the next of kin of any person who has been killed or seriously injured in an accidental manner before any statement, written or spoken, is delivered or transmitted to the press by any law enforcement official, employee or agency, disclosing the decedent or seriously injured person's name.

K. Medical Examiner's Office protocol:

During any death investigation with the Medical Examiner's Office shall be informed of:

1. The next of kin notification information; and
2. How the identification of the deceased was made.

The Medical Examiner's Office is not responsible for making death notifications for the police department.

**18.140.050 Injury of Department Employees**

- A. If an employee of the department sustains a serious on-duty injury, the Chief of Police and the employee's bureau commander shall be notified of the incident immediately.
- B. If an employee is seriously injured while on duty and it becomes the responsibility of the department to notify the employee's next of kin, personnel from the Chaplain's Section and Police Advocacy Support Section should be contacted by the ranking on-scene field supervisor. The Chaplain's Section and Police Advocacy Support Section will then make, or assist with, the family notification.
- C. If an employee is seriously injured and receiving treatment at a local hospital, the employee's shift commander or the ranking shift commander on duty shall make arrangements for the employee's spouse or next of kin to be brought to the hospital.

#### **18.140.060 In-Line-of-Duty Death of Department Employees**

- A. The department will provide liaison assistance to the immediate survivors of a deceased employee who dies in the line of duty. The chief of police may institute certain parts of this order for cases of a deceased employee's natural death. Funeral arrangements of the deceased employee are to be decided by the family, with their wishes taking precedence over the department's.
- B. Coordination of events following the line-of-duty death of an employee is an extremely important and complex responsibility. Professionalism and compassion must be exhibited at all times as an obligation to the employee's survivors and to the law enforcement community. In order to provide the best possible services and support for the employee's family, specific tasks may be assigned to selected employees of the department.
- C. Their titles are:
  - 1. Benefits Coordinator
  - 2. Chaplain
  - 3. Family Liaison Coordinator
  - 4. Police Advocacy Support Section Counselor
  - 5. Division/precinct Commander
- D. Procedures & Responsibilities
  - 1. Notification

- a. It is the responsibility of the Chaplain Section personnel to properly notify the next of kin of a employee who has suffered severe injuries or died. Other personnel may personally make the notification, but will also notify the Chaplain Section and Police Advocacy Support Section.
- b. The name of the deceased employee will not be released by department personnel before the immediate family is notified.
- c. If there is knowledge of a medical problem with an immediate survivor, medical personnel should be available at the time of notification.
- d. Notification will be made in person and never alone. The chief of police or his/her designee, close friend, or another employee could appropriately accompany the chaplain. However, if the aforementioned persons are not readily accessible, notification should not be delayed.
- e. If specifics of the incident are known, the chaplain, or employee making the notification, should relay as much information as possible to the family. If the employee has died, relay that information.
- f. If the family requests to visit a hospital where the injured employee is being treated, they should be transported by police vehicle. It is highly recommended that the family not drive themselves to the hospital.
- g. The deceased or severely injured employee's parents should also be afforded the courtesy of a personal notification whenever possible.
- h. If immediate survivors live beyond Nashville/Davidson County, the chaplain will ensure that the Records Division sends a teletype message to the appropriate jurisdiction, requesting a personal notification. The chaplain may choose to call the other jurisdiction by telephone in addition to the teletype message. Arrangements should be made to permit simultaneous telephone contact between the survivors and the department.
- i. The chief of police, or his/her designee, should respond to the residence or the hospital to meet with the family as quickly as possible.

- j. Whenever possible, communications regarding notifications should be restricted to the telephone.

## 2. Assistance for Affected Employees

Departmental employees who witness and other employees who may have been emotionally affected by the serious injury or death of another employee will attend a critical incident stress debriefing held by the Police Advocacy Support Section.

## 3. Assisting the Family at the Hospital

- a. The Chaplain Section is responsible for:

- (1) Arranging with hospital personnel to provide an appropriate waiting facility for the family, the chief of police, the chaplain, and others requested by the immediate survivors;
- (2) Arranging a separate area for fellow police officers to assemble;
- (3) Ensuring that medical personnel relay pertinent information regarding a employee's condition to the family on a timely basis and before such information is released to others;
- (4) Notifying the appropriate hospital personnel that all medical bills relating to the injured or deceased employee are directed to the benefit coordinator. This may require the benefit coordinator to re-contact the hospital during normal business hours to ensure that proper billing takes place;
- (5) Ensuring that the family is updated regarding the incident and the employee's condition upon their arrival at the hospital; and
- (6) Arranging transportation for the family back to their residence.

- b. If it is possible for the family to visit the injured employee, they should be afforded that opportunity.

- c. The Chaplain should remain at the hospital while the family is present.

## 4. Support of the Family During the Funeral or Services

- a. The chief of police, or his/her designee, will meet with the employee's family to determine their wishes regarding departmental participation in the preparation of the funeral or services. All possible assistance will be rendered.
- b. With the approval of the family, the chief will assign a Police Advocacy Support Section peer counselor as a family liaison coordinator. The chief will also designate a benefits coordinator.

5. Family Liaison Coordinator

- a. This is not a decision-making position, but a "facilitator" between the family and the department.
- b. Responsibilities of the family liaison coordinator include:
  - (1) Ensuring that the needs of the family come before the wishes of the department.
  - (2) Assisting the family with funeral arrangements and making them aware of what the department can offer if they decide to have a police funeral. If they choose the latter, briefing the family on funeral procedures (i.e., presenting the flag, playing of taps, firing party).
  - (3) Determining if the family desires a burial in uniform and selecting an employee to obtain a Class A uniform (except weapons) and deliver them to the funeral home.
  - (4) Arranging for the delivery of the employee's personal belongings to the family.
  - (5) Apprising the family of information concerning the death and the continuing investigation.
  - (6) Providing as much assistance as possible, including overseeing travel and lodging arrangements for out-of-town family members, arranging for food for the family, meeting child care and transportation needs, etc.
  - (7) Being constantly available to the family.
  - (8) Determining what public safety, church, fraternal and labor organizations will provide in terms of financial assistance for out-of-town family travel, food for funeral attendees following the burial, etc.

6. Deceased Employee's Precinct/Division Commander

- a. Responsibilities of the deceased employee's precinct/division commander include:



- (1) Meeting with the following persons to coordinate funeral activities and establish an itinerary:
  - (a) Chief of police and bureau commanders,
  - (b) Funeral director,
  - (c) Family priest or minister,
  - (d) Cemetery director, and
  - (e) Honor guard.
- (2) Directing the funeral activities of the department and visiting police departments according to the wishes of the family.
- (3) Issuing a teletype message to include the following:
  - (a) Name of deceased;
  - (b) Date and time of death;
  - (c) Circumstances surrounding the death;
  - (d) Funeral arrangements (state if service will be private or a police funeral);
  - (e) Uniform to be worn;
  - (f) Expressions of sympathy in lieu of flowers; and
  - (g) Contact person and phone number for visiting departments to call to indicate their desire to attend or to obtain further information.
- (4) Establishing a command center, if necessary, to coordinate information and response to the tragedy.
- (5) Developing a policy for the wearing of badge memorial ribbons and use of patrol vehicle memorial sashes.
- (6) Obtaining an American or Metropolitan Government flag. If the family wishes a flag presentation by the chief of police, notify the chief of police's office.
- (7) Assigning employees for usher duty at the church.
- (8) Briefing the chief of police and staff concerning all funeral arrangements.
- (9) Ensuring that the surviving parents are afforded recognition and that proper placement is arranged for them during the funeral and procession.
- (10) Arranging for a stand-by doctor for the family, if necessary.

- (11) Coordinating traffic management with other departments/jurisdictions during the viewing, funeral and procession.
- (12) Assigning an employee to remain at the family home during the viewing and funeral.
- (13) Maintaining a roster of all departments sending personnel to the funeral, including:
  - (a) Name and address of responding agencies;
  - (b) Name of the chief of police;
  - (c) Number of officers attending;
  - (d) Number of officers attending the reception after the funeral; and
  - (e) Number of vehicles.
- (14) Assisting in making the necessary accommodations for food, lodging, etc.
- (15) Acknowledging visiting and assisting departments.
- (16) Arranging for routine residence checks of the survivor's home

**7. Benefits Coordinator**

- a. The benefits coordinator will gather information on benefits/funeral payments available to the family. The benefits coordinator is responsible for filing the appropriate benefit paperwork and following through with the family to ensure that these benefits are being received.
- b. The benefits coordinator is responsible for:
  - (1) Contacting the appropriate offices without delay to ensure that the beneficiary receives: death and retirement benefits, the deceased employee's remaining paychecks, and payment for remaining annual and compensatory time.
  - (2) Gathering information on all benefit/funeral payments, to include the Public Safety Officers' Benefits Act, that are available to the family.

- (3) Preparing a register of the various benefits/funeral payments that are due to the family, listing named beneficiaries and contacts at various benefits offices, and when they can expect to receive payment.
- (4) Meeting with the surviving family a few days after the funeral to discuss the benefits they will receive. A copy of the prepared printout and any other related paperwork should be given to the family at this time.
  - a) If there are surviving children from a former marriage, the guardian of those children should also receive a printout of what benefits the child(ren) may be receiving.
  - b) Attention should be given to the revocation of health care benefits, and meeting again with the family in about six months to ensure they are receiving benefits.

**8. Continued Support for the Family**

- a. Employees of the department must remain sensitive to the needs of the survivors after the deceased employee's death.
- b. Survivors should continue to feel a part of the "police family." They should be invited to department activities to ensure continued contact.
- c. The Police Advocacy Support Section acts as a long-term liaison with the surviving family to ensure that close contact is maintained between the department and the survivors and that their needs are met for as long as they feel the need for support.
- d. If no court proceedings surround the circumstances of the deceased employee's death, the family liaison coordinator will relay all details of the incident to the family at the earliest opportunity.
- e. If criminal violations surround the death, the family liaison coordinator will:
  - (1) Keep the family apprised of legal proceedings;
  - (2) Introduce the family to the victims' assistance specialists of the court;
  - (3) Encourage the family to attend the trial, and accompany them whenever possible; and

- (4) Arrange for investigators to meet with the family at the earliest opportunity following the trial to answer all their questions.

## **18.150 Safety Hazard Notification Report**

### **18.150.010 Generally**

- A. This order will address a new procedure for reporting **NON EMERGENCY** hazardous conditions. This process does not replace the current procedure in dealing with roadway hazards of an emergency nature. When conditions affect the immediate health & safety of the community, the officer shall notify the Communications Dispatcher and stand by until the condition is determined to be safe.
- B. Roadway and other safety hazards are contributing factors in many accidents. In order to mitigate these factors, sworn personnel shall complete a **SAFETY HAZARD NOTIFICATION REPORT**, (MNPd Form 271). This form was designed for notifying the appropriate agency to make the necessary safety corrections to the roadways, and other potentially hazardous conditions of a non emergency nature.
- C. Examples of the use of this form is as follows: street lights that are out; recommendations for needed signs, traffic lights, or lane markers; a portable sign that is limiting the view of a turn lane; vegetation that is overgrown and obstructing the view of a turn lane; an area that needs repaving; handicapped areas that need a sign; fire lanes that need to be repainted/posted; et cetera.
- D. This report may also be used to notify agencies regarding other types of safety hazards. Some examples are: recreational equipment that is damaged; sidewalks that need repair; obstructions in and around the waterways; additional railway signs needed; et cetera.

**IMPORTANT: This report is to be completed only when immediate corrective action is not required by the responsible agency.**

### **18.150.020 Specific Provisions**

- A. To complete the Safety Hazard Notification Report, sworn personnel shall fill in the necessary information; i.e. a complaint number, location of the hazard, the type of hazard and brief description of it, any corrective action the member took, et cetera. On the back of all copies, the member shall check the mailing address box of the agency having jurisdiction of the hazard.

**NOTE:** There are ten (10) different types of safety hazards listed on the front of this form. If an officer wishes to report an incident type other than the ones on the form, check box 11 "other". In

the text portion following this box, describe the hazard and the jurisdictional agency to be notified.

- B. There are three copies of this form: the white (original) copy goes to the correcting agency; the manila (hard) copy stays on file in the Records Division; and, the pink copy belongs to the reporting officer.
- C. Once the form has been completed, the reporting officer shall turn in both the white and manila copies to his/her supervisor during the tour of duty. These two copies shall be approved by the supervisor and sent to the Records Division.
- D. Records Division personnel shall file the manila (hard) copy in a file system separate from the central files, so that the final disposition of the hazard may be updated or monitored by authorized Records personnel. The white (original) copy shall be forwarded to the agency that the reporting officer has indicated.

**NOTE:** Agencies out of the Metropolitan Government mail system shall have their notice form placed in an envelope and addressed appropriately by authorized Records Division personnel.

- E. Agencies responding to the Safety Hazard Notice may do so by either mail or telephone, whereby the Records Division personnel shall indicate the final disposition on their file copy. If a written report of the corrective action is returned, it shall be attached to the file copy.
- F. This report shall be retained for a period of three (3) years, from the final disposition date, or from the date the report is deemed inactive.

## **18.160 Assistance to Highway Users**

### **18.160.010 Scope**

The following areas are addressed by this order:

- A. General assistance by rendering aid or assistance to any motorist or pedestrian who are found to be stranded or lost on a roadway;
- B. Mechanical assistance and towing services to disabled vehicles; and
- C. Emergency assistance to anyone in need of medical or fire suppression services.

### **18.160.020 General Assistance**

- A. In order to promote safety, protect human life, and preserve the streets and highways, officers should, by means of a thorough knowledge of their assigned area, employ patrolling practices to be in areas of need.
- B. Officers will offer aid and assistance to any motorist or pedestrian who is found to be stranded, ill, lost or otherwise disabled on the roadway.
- C. Because of the overall danger to the stranded motorist, and also to other motorists on the highway who may be affected by the stranded motorist, the department will offer reasonable assistance at all times to the motorist who appears to be in need of aid. This will apply at all hours of the day, but particularly during the nighttime hours or inclement weather conditions when the hazards are greatly increased.
- D. Whenever possible, consistent with the necessity to effect apprehensions of actual or suspected violators, to answer previous calls for service, or fulfill assignments, officers **shall** stop and offer their services to highway users who appear to be in need of assistance.
- E. Officers who assist stranded motorists shall remain alert to the following possibilities:
  - 1. The vehicle in the possession of the motorists has not been authorized for their use;
  - 2. The vehicle is in unsafe operating condition;
  - 3. The motorist is unlicensed to drive;
  - 4. The motorist is incapable of safely operating the vehicle; and
  - 5. The vehicle's occupants have engaged in criminal activity.

- F. Officers shall provide information and directions to citizens upon request. They should become familiar with the various services, facilities and tourist attractions available not only within their jurisdiction, but also of places within a reasonable distance that persons can be expected to travel.
- G. An officer encountering a stranded or disabled motorist on the highway shall establish a protected area for the vehicle and its occupants by tactically placing their vehicle with the emergency lights and flashers in full operation. The officer may employ the use of cones and other devices as needed.
- H. After establishing a safe area for the vehicle and its occupants, the officer will determine what course of action is to be taken to correct the problem.
- I. After making the determination, the officer will request whatever service required to safely remove any vehicle or person from the roadway to a safe place. No vehicle will be left on a controlled access highway.
- J. Under most circumstances, personal requests for a specific service company will be honored. However, in hazardous locations, rush hour traffic, inclement weather or other adverse conditions, the closest available service will be called.
- K. After receiving permission from a supervisor, any pedestrian found in a hazardous location will be offered transportation to the nearest place of safety by the officer. If the person is found to be ill or injured, medical assistance will be called to the scene. When a pedestrian is offered transportation by the officer and is a member of the opposite sex, the officer shall notify the dispatcher of the destination, obtain a time check, and give beginning mileage. Upon arriving at the destination the officer shall again obtain a time check and give ending mileage.

#### **18.160.030 Mechanical Assistance and Towing Service**

In the event an officer is dispatched to or encounters a stranded motorist that requires an emergency maintenance vehicle or a tow truck, the following procedures will be followed:

- A. If the disabled vehicle's operator has a personal preference for an emergency road service company, it will be called unless:



1. The service company cannot respond in a reasonable time, which shall be defined as thirty minutes;
  2. The service company does not have the proper equipment to assist the stranded motorist; or
  3. The service company requested is found not to be licensed by the Metropolitan Davidson County Taxi Cab and Wrecker Board.
- B. In the event that the motorist requests an auto club to be notified, the location of the incident and the owners membership number are the only information to be provided to the dispatcher.
- C. In the event the motorist has no preference to a particular emergency road service company, the officer will request the zone wrecker company.
- D. The officer will advise the dispatcher of any special equipment needed to aid the stranded motorist and ask the dispatcher for the approximate response time of the service company.
- E. If the zone wrecker company is not available, the next closest service will be called.
- F. Officers will not show any favoritism among wrecker companies. If asked for recommendations by motorists, the officer's may suggest the zone wrecker. The officer should explain to the motorist that the city is divided into zones and they have to use the company assigned to the particular area. Motorists may also be informed that prices are set by the Metro Wrecker Board, not the wrecker company.
- G. The officer will not leave the motorist or service vehicle if they are in danger of being struck by another vehicle while they attempt to move the disabled vehicle from the roadway.
- H. Officers may assist the stranded motorists with unlocking, starting, or mobilizing a vehicle. The officer shall complete MNPDP Form 143, Citizen Assistance Liability Release Report, before providing the service.

If the motorist refuses to sign MNPDP Form 143, the officer will provide assistance by:

1. Requesting assistance from a designated service station or garage;  
or

2. Transporting the citizen to the nearest telephone at a location which provides security, particularly during nighttime hours, after receiving supervisory permission. When a motorist is offered transportation by the officer and is a member of the opposite sex, the officer shall notify the dispatcher of the destination, obtain a time check, and give beginning mileage. Upon arriving at the destination the officer shall again obtain a time check and give ending mileage.

**18.160.040 Emergency Assistance**

If an officer encounters anyone in need of medical assistance or fire suppression services, the officer shall provide assistance by:

- A. Rendering first aid, if needed;
- B. Utilizing issued fire suppression equipment, if needed; and
- C. Requesting medical and fire department personnel as needed.

## **18.170 Bicycle Patrol**

### **18.170.010 Policy**

The Metropolitan Police Department may implement and staff a bicycle patrol within any of the patrol precincts. This is a special method of patrol, and, except for traffic accident investigation, members will provide first-line police services in the areas to which they are assigned. These areas include residential neighborhoods, public housing, business districts, commercial districts, parks, recreational areas, and others as may be appropriate. The bicycle patrol is to serve as an effective proactive force in crime prevention, crime detection and enforcement. For command and control purposes, bicycle patrol units will be assigned to the patrol precinct in which they are utilized.

### **18.170.020 Eligibility for Assignment to Bicycle Patrol**

The eligibility criteria for assignment include:

- A. Must have completed 12 months service as a Police Officer II;
- B. Must have been evaluated at least standard on most recent employee evaluation;
- C. Must be in good physical condition with no history of excessive use of sick leave.

Applicants for bicycle patrol who have used over five (5) sick days during the 12 months preceding date of application must include a detailed explanation as to why sick days were necessary. Each applicant must have a physical examination and be medically cleared by the examining physician prior to entering training;

- D. Must not be medically exempt from physical agility test and passed at least Level III during most recent in-service training;
- E. Must have successfully completed most recent in-service training session with composite score of not less than 75% in academic, physical agility and firearms qualification courses;
- F. Must not have received more than a cumulative total of five (5) days suspension in the previous 12 months or any one (1) suspension for 15 days or more within the previous 24 months; and
- G. Must be willing to attend and successfully complete an approved basic police bicycle course. Such course will be at departmental expense.

### **18.170.030 Equipment**

- A. An approved mountain bicycle with reflective decal stating "METRO POLICE" affixed to both sides of the frame tube, and ancillary equipment to include:
  - 1. rear bicycle cargo rack;
  - 2. cargo bag, upright type for mounting on rear rack with white lettering stating "POLICE";
  - 3. head lamp with rechargeable battery;
  - 4. rear lamp with red lens which can be seen at 2,000 feet;
  - 5. speedometer/odometer combination;
  - 6. cable lock;
  - 7. tool kit; and
  - 8. water bottle with rack.
- B. No accessories other than those listed above will be installed, nor modifications made to any bicycle without following the provisions of Police Vehicle Policy and Procedures, 13.30.060(C).

### **18.170.040 Uniforms**

Uniform provisions shall be maintained in the Community Services SOP.

### **18.170.050 Maintenance**

- A. Each member assigned a police mountain bicycle shall be responsible for its maintenance and care; and shall perform or cause to be performed routine and preventative maintenance as necessary and required by department policy and manufacturer's warranty and recommendations.
- B. A daily safety check for safe operation and use shall be completed by each member prior to beginning his/her tour of duty. Such check shall include:
  - 1. brakes (cable adjustment and wear and brake pad wear);
  - 2. tires (inflation and tire wear);
  - 3. wheels and spokes;

4. gears/sprockets (to include chain tension);
  5. auxiliary equipment;
  6. lights
  7. speedometer/odometer
  8. cargo rack and bag
  9. seat
  10. handlebar; and
  11. general cleanliness and appearance
- C. Supervisors shall inspect subordinates as required by Chapter 10.20, "Inspectional Process: Line and Staff Inspections and 'Inspection Report' Completion;" or its replacement, if any.
- D. Personnel assigned patrol on bicycles are responsible for the care and cleanliness of the assigned bicycle. Each member shall also make minor repairs and adjustments. Such repairs/adjustments shall include changing flat tires, adjusting brake and gear cables, basic chain repair, derailleur adjustment, maintaining proper tire inflation, tightening of nuts and bolts, seat adjustments, truing tire rims, and other minor repairs and adjustments as required and approved by the immediate supervisor.
- E. All major repairs and periodic scheduled maintenance will be performed by certified bicycle mechanics authorized by the department.

#### **18.170.060 Use of Police Bicycles**

- A. Bicycle personnel will perform patrol duties year-round except when street conditions are made hazardous due to ice, sleet, or snow; or a supervisor in the chain of command determines that conditions are unsafe/hazardous for riding. When street conditions are deemed hazardous, officers will stop riding immediately and request transportation to an appropriate location.
- B. Bicycle personnel will not expose the bicycle to unreasonable hazards or abuse, except in situations that pose a threat to the personal safety of any person.
- C. Bicycles will not be left unattended except after being secured with a departmental approved locking device.

- D. No one other than the assigned certified member is permitted to ride a departmental owned bicycle except in situations requiring road testing by a department authorized mechanic.

## **18.180 Field Training Officer Program**

### **18.180.010 Definitions**

- A. **Field Training Officer (FTO):** An officer who has successfully completed the FTO course and has been selected by the department to be a training officer within the Community Services Bureau.
- B. **FTO Coordinator:** A supervisor selected by the Commander of the Community Services Bureau, assigned to Community Services Bureau, to oversee the FTO program.
- C. **FTO Board:** Board consists of the Commander of the Community Services Bureau, the FTO Coordinator, the Director of Training, the Commanders of the Patrol Precincts, and one member from the Training Academy Staff/Recruit Operations. The Commander of the Community Services Bureau shall serve as Chairperson.
- D. **FTO Selection Panel:** Consists of the Commander of the Community Services Bureau, or designee, the Patrol FTO Coordinator, at least one (1) of the Commanders of the Patrol Precincts, and at least two (2) current FTOs (selected by the FTO Coordinator). At no time shall the selection panel consist of less than five (5), nor more than seven (7) members.
- E. **Standard Evaluations Guidelines (SEG's):** Specific standardized reference points, based on a job task analysis, for use in the evaluation of officers in training.
- F. **Officer in Training (OIT):** A probationary officer assigned to a FTO who has successfully completed the basic or lateral police-training curriculum at the Metro Police Training Academy.
- G. **OIT Task Book:** A list of the knowledge, skills, and abilities that the FTO must introduce during the field training experience. It also includes copies of OIT evaluations for review by FTO's and/or their supervisor(s).

### **18.180.020 Program Objectives**

- A. Provide a standardized field-training program.
- B. Provide remedial training in those areas where the OIT/FTO has deficiencies.

- C. Maintain a rating system that is job-related, utilizing a standardized and systematic approach for the documented measurement of an OIT's performance.
- D. Provide the Patrol FTO Board with observation and feedback of OIT performance in order to enhance the quality of the entire police-training program.
- E. To provide continuous quality improvement based upon actual identified needs and assessment of OIT's job performance.

### **18.180.030 FTO Selection, Training, and Retention**

The Community Services Bureau Commander, in conjunction with the FTO Coordinator, shall conduct periodic review to determine if the number of FTO's is sufficient to handle the number of OIT's graduating from the Academy.

#### **A. Application**

- 1. When a deficiency in the number of available FTO's is projected, the FTO Coordinator shall recommend that the selection process for FTO candidates be opened.
- 2. The application process shall include a written application, which details the candidate's qualifications and other information as recommended by the FTO Coordinator.

#### **B. Qualifications**

To apply for the Patrol FTO training program, an officer must meet the following minimum requirements:

- 1. Have at least 3 years "time in grade" as a police officer with the Metro Police Department;
- 2. Have not been suspended for 5 or more days within twelve (12) months of the application closing date; and
- 3. Must be willing to attend and successfully complete one (1) week of FTO Training.
- 4. Officers medically exempt from physical agility, firearms or defensive tactics testing shall be allowed to enroll in the program and participate in those areas in which they are not medically exempt.



5. Officers will not be allowed to become Field Training Officers until the medical exemption has been removed, and the Field Officer Training Course has been successfully completed.

**C. Application Process**

The application process shall consist of the following:

1. The applicant completes the required paperwork, which consist of at least:
  - a. Applicant background questionnaire;
  - b. Immediate supervisor questionnaire; and
  - c. Chain of command questionnaire.
2. The FTO Coordinator shall review the application packets for completion and ensure each meet the minimum requirements.
3. The FTO Coordinator, in conjunction with Police Personnel and the Commander of the Community Services Bureau, shall schedule interviews with the Patrol FTO Selection Panel. The Patrol FTO Selection Panel shall then submit a list of those applicants who are approved to attend the new FTO Training Course to the FTO Coordinator.
4. The FTO Coordinator will notify the approved applicants of the date and location for the New FTO Training Course.

**D. New FTO Training Course**

1. Curriculum: The curriculum for the FTO Training Course shall consist of forty hours of job related training. This training will be in addition to departmental in-service training program requirements.
2. Completion Requirements:
  - a. The candidate shall score no less than seventy-five percent on the final exam.
  - b. The candidate shall attend the entire Forty-hour (40) course. An excused absence of four (4) hours or less can be approved by the FTO Coordinator or designee.

**E. Removal From FTO Program**

1. The Patrol FTO Board may recommend a FTO be removed from his/her assignment for any of the following reasons:
  - a. Failure to successfully complete required training;
  - b. Failure to complete the duties required of an FTO;
  - c. Violation of any rules and regulations of the department or civil service rules or regulations; and/or
  - d. A pattern of failing to meet established training guidelines.
2. A request to remove a FTO from that classification may come from the FTO Coordinator, the FTO's Precinct/Precinct Commander, the Commander of the Community Services Bureau or other supervisory personnel who may have reason to make such a recommendation. The recommendation shall be in writing with supporting documentation attached.
3. Requests for removal shall be sent to the FTO Coordinator. The FTO Coordinator shall review the request and supporting documentation. The FTO Coordinator shall conduct an inquiry to provide information to the Patrol FTO Board.
4. Requests for removal shall be presented at the Patrol FTO Board meeting.
5. The FTO Coordinator shall present the recommendation and/or call witnesses as may be necessary to present information for the board to make a fully informed decision. The FTO, whose removal is requested, may be allowed to hear the presentation of the FTO Coordinator and/or witnesses. The FTO may be called to answer questions from the Patrol FTO Board and may bring one representative, chosen from within the department.
6. The Patrol FTO Board shall conduct a meeting and consider information from the FTO Coordinator, witnesses presented by the FTO Coordinator and the FTO whose removal is requested. The Patrol FTO Board shall then make a recommendation as to the retention of the FTO.

The Patrol FTO Board may recommend the following:

- a. Retain the FTO as a FTO;

- b. Require the FTO to attend remedial training in the areas where deficiencies are noted; or
  - c. Remove the officer from FTO status, returning him/her to their previous Police Officer II or III status.
- 7. The Chief of Police or his/her designee shall authorize final disposition.
  - 8. A Police Officer II or III who has been removed from FTO status involuntarily, must be reviewed by the Patrol FTO Board and successfully pass a new FTO training program before he/she is allowed to reapply for FTO status.
  - 9. A Police Officer II or III who has previously served as a FTO and voluntarily returned to their previous status may be allowed to reapply to FTO status. Such person must reapply and meet all current qualifications and standards. If accepted into the program within 1 year of status change the FTO will not be required to attend the New FTO Course.

#### **18.180.040 FTO Bid Process and Assignment**

##### **A. FTO Bid Process:**

FTO's may bid annually based on their seniority as a POII or POIII. If a tie exists, the FTO with the highest final average in The Metro Police Basic Training Academy will have the higher seniority.

##### **B. FTO Assignment:**

FTO's will be assigned among the Patrol Precincts and Precincts as the annual bid process may provide.

#### **18.180.050 FTO Field Supervisor's Duties/Responsibilities**

The field supervisor duties/responsibilities to the FTO/OIT:

- A. Monitor the progress of the FTO/OIT relationship on a daily basis;
- B. Ensure that the FTO adheres to curriculums provided by the FTO Coordinator;
- C. Monitors the reports and documents generated as a result of the training program;

- D. Review and critique all OIT performance reports;
- E. Monitor the handling of calls for service and police services rendered by the FTO/OIT unit;
- F. Participate in critiques and evaluations of the FTO/OIT as may be necessary;
- G. Offering suggestions for improvement or training;
- H. Routinely critiques and evaluates the performance of the FTO by providing feedback and suggestions for improvement;
- I. Maintain the confidentiality of all FTO/OIT reports, critique or counseling sessions, FTO counseling, progress of OIT's assigned to FTO, etc;
- J. Properly document any critical issues as they arise and ensure that those persons in their respective chain of command are notified; and
- K. Ensure FTOs' evaluations of the OIT are submitted on time, correct, and with a satisfactory amount of narrative.

#### **18.180.060 Duties/Responsibilities to the FTO Coordinator**

The FTO field supervisor shall maintain a relationship with the FTO Coordinator in order to ensure the proper distribution of information regarding the progress of OIT's, professional development of FTO's, proper evaluation of FTO's and other relevant issues. The purpose of this provision is to ensure that the FTO is monitored, not only for his/her performance as a police officer but also as an FTO.

#### **18.180.070 Training Responsibilities**

- A. The FTO is responsible for successfully completing all required FTO training courses as offered or required by the FTO Coordinator.
- B. The FTO is responsible for ensuring that the curriculum provided in the FTO Standard Operating Procedure (SOP) and by the FTO Coordinator is properly taught to each OIT and documented according to the FTO SOP.

**NOTE:** If a FTO provides training outside the scope of the FTO training program, he/she shall follow current departmentally approved training curriculum in conducting such training.

- C. The FTO is responsible for documenting and reporting any identified training deficiencies on the part of the OIT. The FTO, when possible, shall make every effort to correct any deficiencies and properly document such training.
- D. The FTO is responsible for completion of all required forms as provided in the FTO SOP.
- E. The FTO shall abide by the evaluation schedule as provided by the FTO Coordinator.
- F. The FTO is responsible for reporting identified deficiencies that may not be corrected during their rotation, to the FTO Coordinator as soon as practical.

**18.180.080 Guidelines for the Evaluation of an OIT by FTO**

- A. The FTO is responsible for completion of all required forms as provided in the FTO SOP and the issued trainee evaluations. The FTO is responsible for the completion and submission of the forms in order that they may be processed and received by the FTO Coordinator in a timely manner.
- B. The FTO shall abide by the evaluation schedule as provided in the FTO SOP or by the FTO Coordinator. The evaluations shall be properly completed and discussed with the OIT. The FTO shall offer feedback and explain the ratings. The feedback should be as detailed as possible to ensure an adequate understanding of areas in which improvement has occurred or may be necessary.

**18.180.090 OIT Probationary Training Period/Rotation**

- A. The probationary training period for a basic OIT and lateral OIT will generally consist of a six (6) month Field Training Program. During this period the OIT will rotate, if possible, through three (3) different FTOs and three (3) duty stations before placement at a final duty station.
- B. The basic OIT and the Lateral OIT may be released from riding with a FTO earlier than six (6) months with the approval of the Deputy Chief of Police of the Community Services Bureau. The OIT's supervisor will be responsible for completing any remaining evaluations due according to schedule.
- C. At the conclusion of the established minimum training periods, the Patrol FTO Board shall meet to review the progress of all OITs. The

Board shall consider the recommendation of the FTO Coordinator in making a decision on the continuation of the training period.

## **18.190 Metro Alarm Ordinance**

### **18.190.010 Introduction**

The purpose of this order is to set out procedures for the Metropolitan Nashville Police Department Alarm Unit and sworn personnel to use in response to and enforcement of the Metropolitan ordinance governing burglary and robbery/panic alarm systems.

### **18.190.020 Definitions**

A. **Alarm system** means all alarm systems except:

1. Alarms on motor vehicles;
2. Self-contained smoke detectors; or
3. Auxiliary devices installed by the telephone company to protect their equipment.

B. **False alarm** is the activation of an alarm system not caused by an attempted or actual burglary, robbery, or other emergency (panic alarm).

Exceptions:

1. Acts of nature such as severe weather conditions;
2. Telephone, mechanical, electrical, or other system trouble or failure not under the control of the alarm user;
3. Activations caused by utility company personnel; or
4. Any other condition that is clearly beyond the control of the alarm user.

C. **Person** means any natural person, firm, partnership, association, corporation, company or organization of any kind and is to include a government or governmental subdivision or agency.

D. **Residential premises** means any structure or combination of structures which serve as a dwelling.

E. **Commercial premises** means any structure or area which is not defined herein as residential premises.

- F. **Activate** means to "set off" an alarm system indicating in any manner an incident of burglary or robbery.
- G. **Automatic dialing device** is an alarm system which automatically sends over regular telephone lines a prerecorded voice message or coded signal indicating the existence of an emergency situation. It shall not include such telephone lines exclusively dedicated to an alarm central station which are permanently active and terminate within the Emergency Communications Center.
- H. **Alarm response** results when a police officer is dispatched to or otherwise learns of the activation of an alarm system.
- I. **Alarm permit fiscal year** is from April 1<sup>st</sup> to April 1<sup>st</sup> of the following year.

#### **18.190.030 Policy**

- A. The Metropolitan Police Department is responsible for enforcing Metropolitan ordinances regulating the use of burglary, robbery, and panic alarms.
- B. The Metropolitan Fire Department is responsible for enforcing the ordinances relative to fire alarms.
- C. Number of allowable false alarms per fiscal year: three (3) burglary, two (2) robbery, and two (2) panic alarms.
- D. Responsibility for a false alarm shall be borne by the owner or lessee of the alarm system or his/her employee, servant or agent occupying and/or controlling the premises at the time of the occurrence of the false alarm.
- E. Metropolitan Police Officers will enforce the Alarm Ordinance through the issuance of false alarm notices (MNPd Form 070) and Metropolitan citations.

**NOTE:** The provisions of this ordinance will not be applicable to residential premises within the city of Goodlettsville.

#### **18.190.040 Automatic Dialing Devices**

- A. It shall be a violation of the Metropolitan Code for any automatic dialing device to call on the 911 emergency line. Such devices shall be restricted to dialing the non-emergency phone number for requesting police service.



- B. Any automatic dialing device shall:
  - 1. Have a clearly understandable recording;
  - 2. Be capable of repeating itself a minimum of two times; and
  - 3. Be capable of automatically resetting itself so as not to continuously call the Emergency Communications Center phone number.
- C. Programmed messages on an automatic dialing device must include and are restricted to the following:
  - 1. The owner's/resident's name, and the exact street number and name;
  - 2. A statement that it is a burglar or robbery/panic "alarm only." It shall not say burglary or robbery "in progress";
  - 3. A statement of hours the business is open, if the device is used for both burglary and robbery/panic alarms; and
  - 4. A statement that a third party has been notified and the identity of that third party if a third party is notified by the device.

**18.190.050 Duties of Permit Holders**

- A. Permit holders shall be responsible for training employees, servants, or other agents in the proper operation of the alarm system.
- B. Permit holders shall ensure that the correct street address is visible from the street or roadway.
- C. Permit holders shall ensure that the current alarm registration sticker is displayed where it is easily visible from the outside front of the building.
- D. Permit holders shall ensure that any audible alarm will be equipped with an automatic shutoff to function within twenty (20) minutes of alarm sounding. [Fire alarms excluded.]

**18.190.060 Alarm Permits Required**

- A. Officers responding to a burglary or robbery/panic alarm call that subsequently proves to be a chargeable false alarm shall complete MNPD Form 070, "Notice of False Alarm".

- B. The alarm user will receive a copy of the False Alarm Report. If unavailable, the copy will be left on the scene at the best affordable place and mention of that place stated in the report.
- C. Upon completion of the false alarm call, the responding officer will use disposition Code 12 or 13. [Disposition Code 12 or 13 will add a false alarm call to the previous alarm totals in the dispatch computer.]
- D. The remaining copies of the report will be checked for accuracy by the officer's supervisor and processed according to established policy and procedure.

**18.190.070 Citing of Alarm Code Violations**

- A. The responding officer will issue a Metro citation for the alarm code violation to the responsible user, if present. If the responsible user is not on the scene, the officer shall complete a Metro citation and forward it to the False Alarm Unit. The False Alarm Unit will then mail the citation to the responsible party via certified mail.

**EXCEPTIONS:** Officers shall not write Metro citations for excessive false alarms. The Alarm Unit will issue the citations and prosecute for these violations.

- B. An Arrest Report will not be filled out.

**18.190.080 False Alarm Unit Responsibilities**

- A. Review and maintain all false alarm notices.
- B. Issue Metropolitan citations for excessive false alarms and alarm permit required violations.
- C. Send officer issued Metro citations to responsible parties via certified mail when the party was not available to accept the citation at the time of the violation.
- D. Instruct police personnel in the proper procedures relating to the Alarm Ordinance.
- E. When appropriate, file requests for revocation of alarm permits with the Metropolitan Clerk.
- F. Evaluate the effectiveness of the False Alarm Program.

- G. Perform other duties and responsibilities as may be assigned to the unit.

**18.190.090 Violations of Metropolitan Alarm Ordinance**

- A. Alarms activated without a permit.
- B. Exceeding the allowable number of false alarms.
- C. Knowingly and purposefully failing to respond to the location of the alarm within one (1) hour after notification by police, whether false or not.
- D. Failure to train employees, servants, and/or agents in the proper use of the alarm system.
- E. Failure to display the correct street address on the premise or not readable from the street.
- F. Failure to equip audible alarms with an automatic shut-off that functions within twenty (20) minutes of the alarm sounding.
- G. Automatic dialing devices calling on the 911 emergency line.
- H. Improperly programmed message on an automatic dialing device.
- I. Each incident of non-compliance shall constitute a separate violation.

**18.190.100 Non-Chargeable Alarm Calls**

- A. Acts of nature such as severe weather conditions.
- B. Telephone line trouble or other like system failure that is outside the control of the alarm user.
- C. Activations caused by utility company personnel.
- D. Any other condition that is clearly beyond the control of the alarm user.
- E. If the user calls the dispatcher back within five (5) minutes of original notification unless the officer has arrived on the scene.
- F. If the police have not arrived on the scene within thirty (30) minutes of the original alarm notification.

- G. The officer will use disposition Code 4 on non-chargeable calls.  
[Disposition Code 4 will not affect the previous false alarm call totals in the dispatch computer.]

**18.190.110 Appeals Procedure and Rights to a Hearing**

Police personnel should advise all persons with questions or concerns about appeal procedures and rights under the provisions of the Metropolitan Alarm Ordinance to contact the Office of the Metropolitan Clerk.

## **18.200 Radio Communications**

### **18.200.010 Policy**

It is the policy of the Metropolitan Police Department that all personnel adhere to the procedures and requirements of the Federal Communications Commission and the provisions herein with the respect to the operation of the department's radio communications system.

### **18.200.020 Definitions**

The following words or terms are identified or defined as indicated:

- A. **Administrative Communiqué:** Directional or informational transmission.
- B. **Call for Service:** A dispatched or self-initiated incident requiring police activity.
- C. **Command Talk-Group:** Any talk-group designated for use during joint operations with the Nashville Fire Department or police-only operations.
- D. **Dispatch Talk-Group:** A talk-group staffed by a dispatcher.
- E. **Emergency Radio Identifier:** A computerized system that identifies a radio by decoding an electronic message transmitted by the radio.
- F. **Mobile Radio:** A vehicle-mounted radio.
- G. **Portable Radio:** A hand-held radio.
- H. **Radio Communications System:** A system including the radios, dispatch consoles, satellite receivers, and other associated hardware used by departmental personnel to conduct official business by radio.
- I. **Tactical Talk-Group:** A talk-group used for specific elements of the department.
- J. **Talk-Group:** A configured channel on the radio system with a defined use.

### **18.200.030 Authorization**

The Chief of Police hereby directs department personnel to work cooperatively with Emergency Communications Center personnel and use

the radio communications system to provide improved police services to the public and to enhance the safety of law enforcement personnel.

#### **18.200.040 Equipment Specifications**

- A. Specifications for radio communications equipment shall be maintained in the files of the entity(ies) having procurement, maintenance, issuance, or usage responsibility for such equipment. Such entities include, but are not limited to:
  - 1. Fiscal Affairs Division, or
  - 2. Fleet Management Section, or
  - 3. Specialized Investigations Division, or
  - 4. Metropolitan Department of General Services Radio Shop, or
  - 5. Department of Finance
- B. Such equipment shall be procured, maintained, issued, and used in accordance with established Metropolitan Government and/or departmental provisions concerning same.

#### **18.200.050 Operational Policy**

The Metropolitan Nashville Police Department shall work cooperatively with the Emergency Communications Center to develop operational policies for various calls-for-service dispatch protocols, notification procedures, and other circumstances that require internal written guidance. Such policies shall be implemented via the Standard Operating Procedures (S.O.P.'s) of the appropriate divisions of both MNPd and ECC.

#### **18.200.060 Signals, Codes, and Terms/Phrases**

The following standardized signals, codes, and terms/phrases shall be transmitted as indicated and in their entirety; (i.e., "signal eight," "ten four," "code one thousand.")

##### **A. Signals**

Signals shall be classified as administrative communiqué. They shall not be considered as calls for service.

<u><b>Signal</b></u>	<u><b>Meaning</b></u>
1	Implement Contingency Plan

2	Invisible Deployment Requested
3	Confidential Radio Transmissions (Police personnel only)
4	Report to Station/Office
5	Advise if Personnel is All Right/O.K.
6	Call by Telephone (specify location/person)
7	All Units Stay Clear of Area/Location
8	Meet
9	Disregard
10	Rush/Quick Action Requested
11	Switch to Secondary Channel (specify channel)
12	Switch to County Wide Channel
13	Switch to Assigned Channel
14	Switch to Records Channel
15	Switch to C.B. Transceiver (specify channel)
16	Stop all Radio Transmissions

**B. Ten-Codes**

Ten-Codes are generally regarded as calls for service. For statistical purposes, the following codes preceded by an asterisk (\*), are to be hereafter classified as Administrative Communiqué.

<b><u>Code</u></b>	<b><u>Meaning</u></b>
*10-1	Receiving Poorly
*10-2	Receiving Well

<b><u>Code</u></b>	<b><u>Meaning</u></b>
*10-3	Administrative/Special Assignment C- Court G- Garage H- Hospital O- Other
*10-4	Acknowledgment /O.K.
*10-7	Out of Service
*10-8	In Service
*10-9	Repeat Transmission
*10-13	Consider Suspect(s) Very Dangerous
10-14	Escort/Convoy (specify if emergency)
10-15	Community Policing Activity
10-16	Transport Prisoner/Suspect
*10-20	Your Location
*10-28	Check Full Registration/Stolen Only
*10-30	Check for Warrants/Record Information
10-32	D.U.I. Test Requested
10-35	Mentally Ill Person

10-37	Send Back-up (specify if emergency)
10-40	Suspicious Person
10-41	Domestic Disturbance
10-42	Intoxicated Person
10-43	Want Officer for Investigation/Assistance
10-44	Disorderly Person
10-45	Vehicle Accident-Property Damage RP-private property accident RD-delayed accident
<b>10-46</b>	<b>Vehicle Accident-with Injury (state if hit and run)</b>
<b>10-47</b>	<b>Ambulance Requested (state if emergency)</b>
*10-48	Wrecker Requested (specify type)
10-49	Vehicle Blocking Right of Way
10-50	Theft (specify type) RG- gas drive-off
<b>10-51</b>	<b>Cutting/Stabbing</b>
<b>10-52</b>	<b>Shooting</b>
<b>10-53</b>	<b>Holdup/Robbery</b>
<b>10-54</b>	<b>Person with Weapon (specify type)</b>
<b>10-57</b>	<b>Fight/Assault</b>
10-58	Prowler
10-59	Person Indecently Exposed
10-60	Blood Run (specify if emergency)
<b>10-61</b>	<b>Fire</b>
10-62	Person Screaming

<b><u>Code</u></b>	<b><u>Meaning</u></b>
<b>10-63</b>	<b>Suicidal Person</b>
<b>10-64</b>	<b>Corpse/D.O.A.</b>
10-65	Dangerous/Injured Animal
<b>10-66</b>	<b>Bomb Threat</b>
<b>10-67</b>	<b>Rape</b>
<b>10-68</b>	<b>Kidnapping</b>
<b>10-70</b>	<b>Burglary-Residence</b>
<b>10-71</b>	<b>Burglary-Non-Residence</b>
*10-72	Item/Vehicle is Stolen
10-73	Hazardous Liquid/Gas Leak
10-75	Missing Person (specify if juvenile)
10-77	Gang Activity
10-78	Criminal Vice Activity (specify type) D- drug related G- gambling S- prostitution/solicitation
10-79	Occult Activity
<b>10-80</b>	<b>Child Abuse</b>
10-83	Shots Fired



10-85	Prisoner Escape
10-87	Safety Hazard (specify type) B- both wires & trees down F- flood H- safety hazard L- signal light P- progress R- report S- salt truck needed T- tree down W- wires down
10-88	Investigate 911 Hang-Up Call PW- wireless
<b>10-89</b>	<b>Drowning</b>
10-92	Fixed Post
*10-93	Traffic Violation
*10-94	Personal Relief
*10-95	Meal Break (specify location)
*10-96	Business Check (specify location)
*10-97	On the Scene
*10-98	Assignment Complete, Give Complaint Number
*10-99	Give Complaint Number and Leave Out on Call

**NOTE:** Codes that are in **BOLD** type are urgent in nature and require the responding officer(s) to proceed directly to the scene. If applicable, responding officers are authorized to use emergency equipment and response, unless otherwise specified by an authoritative source.

#### C. Thousand Codes

Thousand-codes shall be classified as calls for service. They shall always receive first priority over other signals or ten-codes, unless otherwise specified by an authoritative source.

<u><b>Code</b></u>	<u><b>Meaning</b></u>
1000	Bank Robbery
2000	Aircraft Crash
3000	Barricaded Suspect (specify, if with hostage)
4000	Sniper
5000	Personnel in Serious Danger
6000	Riot/Disorderly Crowd
7000	Train Derailment
8000	Explosion
9000	Active Deadly Aggression Event

**Important:** Upon verification of reported circumstances, applicable contingency plans **shall** be implemented (Signal 1).

**D. Phonetic Alphabet**

A - Adam	G - George	M - Mary	S - Sam	Y - Young
B - Boy	H - Henry	N - Nora	T - Tom	Z - Zebra
C - Charles	I - Ida	O - Ocean	U - Union	
D - David	J - John	P - Paul	V - Victor	
E - Edward	K - King	Q - Queen	W - William	
F - Frank	L - Lincoln	R - Robert	X - X-Ray	

**E. Terms/Phrases**

Terms/Phrases expedite the proper interpretation of a communiqué and assist in conserving radio air time.

1. **AFFIRMATIVE:** Yes or Positive Acknowledgment
2. **A.P.B.:** All Points Bulletin
3. **A.S.A.P.:** As Soon As Possible
4. **AUDIBLE ALARM:** Capable of being heard
5. **CODE 60 (A or B) – Medical Precautions Required:** To identify calls wherein the scene may be infected by a contagious disease.  
  
**A** – denotes possibility of an air borne disease.  
**B** – denotes blood borne.
6. **COPY:** Acknowledgment of receiving transmission/information
7. **DIRECT:** Acknowledgment of a transmission or directive
8. **D.O.A.:** Dead on Arrival
9. **E.T.A.:** Estimated time of arrival
10. **HIT:** An indication by a computer or records that a person is wanted or property is stolen
11. **LATE MODEL:** A recent or present model
12. **MAIL:** Departmental reports, forms, activities or other communiqué

- 13. MOTION DETECTOR: An alarm that is activated by movement
- 14. N.S.R.: No stolen reported
- 15. NEGATIVE: No or none
- 16. NICK: N.C.I.C. (National Crime Information Center)
- 17. O.K.: Yes or acknowledgment
- 18. POSITIVE I.D.: Confirm or recognized identity
- 19. PUBLIC SERVICE/P.S.: Telephone
- 20. RELAY: To pass or send along transmission
- 21. SILENT ALARM: Making no sound or noise
- 22. STATION "R": Residence/Home
- 23. TOTALED: Completely destroyed or damaged
- 24. TRACK: The scent or path of a person
- 25. ZONE: A predetermined geographical boundary

**F. Response Priority**

The purpose of setting response priorities for service calls is to provide the community with quality service and to prevent unnecessary danger to the responding officer(s) and civilians. It shall be responsibility of Strategic Development Division personnel, in cooperation with the appropriate personnel of the Emergency Communications Center, to prioritize the response for selected calls for service.

**1. Action Codes**

**a. Priority identifier: (in descending order of priority)**

- (1) A - Alarm: To identify calls that involves either theft, holdup/robbery, fire, or burglar alarm.
- (2) P - In Progress: To identify calls in progress or that have just occurred. (No alarm is involved).

- (3) R - Report: To identify calls not in progress and the urgency/emergency of the incident has diminished. Only a delayed report or investigation is acceptable.

**NOTE:** The P or R action code shall be issued to any applicable 10-Code. Only one applicable code letter shall be attached to the end of the 10-code; (i.e., 10-50P/10-50R).

b. Classification Identifier

- (1) J - Juvenile: To identify calls involving the welfare or involvement of a juvenile.
- (2) D- Domestic Violence
- (3) E - Emergency: To identify calls that require either an emergency escort, convoy, or blood run.
- (4) T – Teleserve: The call meets the criteria for Teleserve.
- (5) V - Vehicle: To identify calls involving either vehicle theft or vehicular assault.
- (6) C - Cancellation: To identify calls involving the cancellation of a report.

**NOTE:** The letter **J and/or D** shall be issued to any applicable 10-code. Only one classification identifier shall be added after a priority identifier or 10-code; (i.e., 10-57PJ, 10-75J or 10-43D).

2. Call Response Codes

The urgency to the response shall be prioritized by Emergency Communications Center personnel based on the total information of the circumstances of the call, or as modified by the field supervisor.

There shall be three Call Response Codes as follows:

**CODE 1** Calls that are of a more routine nature and can reasonably be expected to present no danger to life or property. Officers shall proceed to the scene obeying all traffic/other regulations. (Assume the call is CODE 1 unless otherwise stated. If no code is given, the call is CODE 1).

**CODE 2** Calls that are urgent in nature and require the officer(s) responding to proceed directly to the scene; officers obey all traffic/other regulations.

**NOTE:** The use of emergency equipment is not authorized in Code 2 calls, unless assigned by communications or authorized by the responding officer's supervisor.

**CODE 3** Calls that require driving an emergency vehicle in emergency operation.

**NOTE:** Code 3 may be utilized when assigned by Emergency Communications Center personnel, authorized by the responding officer's supervisor, or by the responding officer when:

- (a). The responding officer is in actual "hot pursuit" (primary and secondary units only);
- (b). There is imminent danger to life, and the immediate presence or escort of a police officer might save lives;
- (c). When a situation exists that requires immediate action to control or assist with a volatile situation;
- (d). In a felony situation where there is a possibility of apprehending the suspect(s);
- (e). In situations where there has been an accident and there are unknown or serious injuries.

**NOTE:** It is of utmost importance that every individual involved in the communication process exercise great care to obtain as much information as possible from the reporting source, so that these decisions can be made.

In situations where "Invisible Deployment" is implemented, the responding vehicles shall not use blue lights, siren, other devices, or actions that may be observed by and alarm the suspect(s). The responding vehicles shall obey all traffic regulations except one: Parking regulations - so long as it does not endanger life. Use emergency flashers or rear-only blue lights if available and appropriate.

## G. Disposition Codes

The purpose of Disposition Codes is so responding officers can communicate the actions taken in response to a given call in order that the information may be entered in the computer database. The following codes shall be indicated upon the completion of all calls for service or other applicable administrative activities.

### 1. Disposition Codes

Disposition codes describe the specific type of action taken in response to a call for service and they shall precede any other identifying codes; (i.e., Incident Identifier Code letters).

<b><u>Code</u></b>	<b><u>Meaning</u></b>
1	MNPD Report Completed
2	Arrest - Custodial or Citation
3	Citation- Traffic
4	Assisted Citizen
5	Gone on Arrival
6	Assisted Other Unit
7	Advisory/Notice Form Given
8	Advised in Civil Case
9	Subject Warned
10	No Response
11	Disregard/Signal 9
12	Location/Building Secure
13	False Call
14	Assistance Refused
15	Community Policing
16	For Mental Health Transport

### 2. Incident Identifier Codes

Incident identifier codes shall be indicated after all incidents.

<b><u>Code</u></b>	<b><u>Meaning</u></b>
A	Alarm
B	Bank/Security Escort
C	Complainant/Victim
*D	Domestic Disturbance
E	Emergency Escort
F	Felony
FI	Field Interview

**J	Juvenile
M	Misdemeanor
P	Psychological Evaluation
R	Traffic Radar Used
S	Suspect/Subject
T	Traffic/Directed Traffic
TS	Terry Stop
V	Vehicle Assistance
W	Warrant Assistance Escort

**NOTE:** \* The Incident I.D. Code Letter "D" (Domestic Disturbance) shall **supersede** all other Incident Identifier Code Letters whenever an incident involves a domestic situation that involved the Disposition Codes 1 - "MNPD Report Completed," 2 - "Arrest," and 6 - "Assisted Other Unit" only. For example, if there were an arrest made during a domestic violence situation, the applicable Disposition Code Number and Incident I.D. Code Letter would be "Code "2-D" not "2-M" or "2-F" as for arrests made that did not involve a domestic situation.

\*\* The Incident I.D. Code Letter "J" (Juvenile Involved) shall be entered in situations involving a juvenile. For example, the responding officer arrests a juvenile for either a misdemeanor or felony offense. A juvenile shall receive the Code Number and Letter of 2-J, and so on. The **Juvenile Warning Citation, the same as the State and Metro Misdemeanor Citation, is classified as an arrest of the suspect for Incident I.D. Code purposes.**

The Incident I.D. Code assists in identifying the specifics of the Disposition Codes. But, not all Disposition Codes can receive an Incident I.D. Code, due to the fact that they are not applicable. In this event, no response is required in reference to the Incident I.D. code.

#### **18.200.070 Communications Procedures**

All personnel in the field shall adhere to the following procedures:

- A. The radio shall be tuned to the proper talk-group.
- B. The talk-group shall be monitored for radio traffic.
- C. The transmitter shall not be engaged until previous radio traffic has subsided, except under emergency conditions.

- D. Upon activating the transmitter, wait for the clear to transmit tones (three quick beeps) before speaking for technical reasons.
- E. Under normal conditions, state the radio call sign of the transmitting element and then the call sign of the receiving element, i.e.: "Nine thirty one to nine twenty."
- F. Under normal conditions, wait for a reply before transmitting the message. In the example above, 931 would wait for 920 to answer: "Nine twenty." This provision applies when calling Communications, as well.
- G. Under normal conditions, the message would then be transmitted. In the example above, 931 would then call 920: "Sergeant, I need you to signal eight with me in Night Court."
- H. For very brief messages, a reply is not needed. This is especially true if units have been conversing or are dispatched on the same incident, i.e.: "Seven-twelve to seven-twelve-one, signal eight."
- I. Transmit using a normal tone and volume of voice. Yelling into the microphone makes the transmission more difficult to understand for both the dispatcher and other field units.
- J. When transmitting in a vehicle with the siren activated, it is helpful to press the microphone snugly against the cheek or jaw when speaking, and to close all windows.
- K. When transmitting a location **from or in reference to a moving vehicle**, give the information to the dispatcher or other unit in the following order:

First: The direction of travel;  
Second: The roadway being used; and  
Third: The last roadway passed.

**EXAMPLES:** "North-bound I-65 from Dickerson Pike" "Out-Bound Harding Road from White Bridge Road"

This provision applies when reporting locations during pursuits, responding to inquiries about location from other units, reporting motor vehicle accidents or stranded motorists, etc.

- L. When requesting resources, simply state the radio call sign and the code for the resource. This is the most efficient way to request



resources, since the location and nature of the call are recorded in CAD.

**EXAMPLE: CORRECT WAY TO REQUEST WRECKER**

Car 411: "Four eleven"  
Dispatcher: "Four eleven"  
Car 411: "Zone ten forty-eight"  
Dispatcher: "Ten four, four eleven"

**INCORRECT WAY TO CONDUCT SAME TRANSMISSION**

Car 411: "Four Eleven"  
Dispatcher: "Four Eleven"  
Car 411: "Send me a zone forty-eight out here to Eighth and Jefferson on this forty-six."

The example above applies to wreckers, Fire Department resources, investigative and support resource requests, etc.

- M. When checking 10-8 or 10-98, do not give an explanation or narrative.

If facts need to be recorded they should be included in the narrative of MNPD Form 100, "Incident Report"; or MNPD Form 253C, "Officers Daily Activity Report." Air time is at a premium and it is unnecessary and unsafe to give long explanations on the air.

**Officers and supervisors will be held accountable for the abuse, or pattern of abuse, of air time by themselves or their subordinates.** A number of informational and criminal databases used by officers to perform driver's license checks, warrant checks and the like are referenced below. Note: Officers equipped with a Mobile Data Computer (MDC) shall use their MDC for such checks, when taking the time and attention to do so does not put the officer at risk.

- N. When requesting driver license checks, always use the number if available. If the number is not available, then use the name and date-of- birth.
- O. When asking for computer inquiries (D.L. status, VIN, etc.) make sure that the receiving element is ready to copy. Do not begin transmitting the data without confirmation from the receiver.
- P. Sworn personnel shall not ask a dispatcher for supervisory guidance. Supervisory guidance shall be sought from the appropriate sworn supervisor.

**18.200.080 Emergency Radio Identifier**

- A. The responsibility for assuring the accuracy of the identifier associated with mobile and portable radios rests with the individuals to whom the radios are assigned.
- B. The computerized records concerning the emergency radio identifier is maintained by the Emergency Communications Center.
- C. Anytime a police portable radio changes hands, or a new radio is put in service, it is the responsibility of the employee to whom the radio is assigned to notify the Emergency Communications Center via MNPD Form 169, "Emergency Radio Identifier Report." This report is generally available at the entity authorized by the Metropolitan Government to issue and repair the radios. The personnel of that entity shall assist in completing the form.

**18.200.090 Talk-Group Usage**

- A. Radios will be programmed according to a master menu maintained by the entity of the Metropolitan Government authorized to do so.
- B. Any alteration to the programming must be requested of the Chief of Police, or his/her designee. The request shall be in memorandum form, and supporting/authorizing documentation may be required.
- C. All personnel are encouraged to use tactical talk-groups and command talk-groups when possible. This will allow the dispatch frequencies to be available for other traffic. Examples of incidents during which tactical talk-groups should be used include contingency plan activations, crime scene activities, speed-measuring traffic enforcement locations, accident scene activities, special events, building/foot searches, etc.
- D. Emergency Communications Center personnel have the authority to direct field supervisors or incident commanders to transfer their operations to tactical talk-groups or command talk-groups.
- E. All police personnel should familiarize themselves with the talk-groups available to them.

### **18.200.100 Policy Regarding Responses to Cellular E-9-1-1 Hang-up Calls**

The following procedures will be used in responding to E-9-1-1 cellular hang-up calls. (10-88PW)

- A. Dispatched personnel shall go to the general location identified by ECC as the source of the call, and make a reasonable effort to find the person(s) initiating the call or the circumstances surrounding the call. A reasonable effort may include, but not be limited to:
  - 1. Driving and/or walking around the general area looking and listening for any indicators of a person(s), or incident(s) that would require an emergency service provider. The general area shall be roughly equivalent to an area the size of a football stadium.
  - 2. Seeking out person(s) in the area and asking them if they have observed, or are aware of, any person(s), or incident(s) in the area that might require the assistance of an emergency service provider.
  - 3. Contacting the person(s) at a security desk, information booth, or other similar location at an event or facility for the purpose of asking if they have knowledge of any person(s) or incident(s) that might require the assistance of an emergency service provider.
- B. When an officer does locate the person(s), or incident(s), giving rise to the E-9-1-1 call, he/she shall provide the appropriate response measures to be initiated in accordance to the policies and procedures of the Metropolitan Nashville Police Department.
- C. When an officer has made a reasonable attempt to locate the person(s) that made the E-9-1-1 call and has been unable to do so, he/she will advise his/her immediate supervisor of the efforts he/she made to locate the source of the E-9-1-1 call and request permission to check off the call and back into service. The officer shall obtain a complaint number and document the call on his/her daily activity sheet.
- D. The supervisor shall determine if the efforts made by the officer to locate the E-9-1-1 caller, given all the circumstances – time of day, number of persons present, type of location, what the complaint clerk heard during the conversation (scream, need help, etc.) were reasonable. If the supervisor agrees that the efforts were reasonable, he/she shall grant the officer's request. If the supervisor finds the efforts were not reasonable, he/she shall assist the officer in initiating additional steps to locate the caller.

- E. When ECC dispatches a police unit to respond to a cellular E-9-1-1 that appears to be coming from a moving vehicle or other mobile conveyance, the dispatched unit shall determine if there is a reasonable expectation of locating the caller. He/she shall make that determination based on relevant factors that may include, but not be limited to: the nature of any emergency, if known; the volume of traffic, whether or not a description of the vehicle or other conveyance is known, the types and conditions of the area roadways, visibility, weather and other relevant conditions. If there is a reasonable expectation that the caller can be located, the unit will proceed and attempt to do so. If the dispatched unit determines that there is no reasonable expectation of locating the caller, he/she will advise his/her immediate supervisor of this determination, the reasons for it and request permission to check off the call and back into service. The officer shall obtain a complaint number and document the call on his/her daily activity sheet.

#### **18.200.110 Policy Regarding Caller Confidentiality**

- A. Officer Notification of request for confidentiality:

When a caller/complainant has called the Emergency Communications Center to report criminal activity, or similar incident, and has requested not to be contacted by the police, or in some other manner identified as the complainant, the responding officer will be notified by radio/voice communications and in the text of the call dispatched by mobile data computer, that the call is “**Code NC**”.

For instance: “**Car 313, 10-78 activity at 525 Nashville St., Code NC.**”

- B. Police responsibility on a **Code NC** call:

When **Code NC** is added to a dispatched call for service, a member of the Metropolitan Nashville Police Department shall **not** call or contact the complainant in any manner except as provide in C. or D., below.

- C. Emergency Exception to the no call/no contact rule:

1. When an officer responds to a **Code NC** call and finds a serious crime involving danger to life and/or property has been committed, or is about to be committed; and,
2. The officer, through his/her initial investigation, determines that the caller/complainant is the only person that may be in possession of vital information needed to prevent or prosecute the crime; and,

3. The officer has discussed the matter with his/her supervisor and the supervisor has granted permission to do so.
4. The officer may request the complainant's phone number from the dispatcher via telephone and call him/her. Such requests shall be made by telephone only. The responding officer shall not request or broadcast any complainant information over the radio when communicating about a **Code NC** call; nor shall any other MNPDP employee. Using the telephone, instead of the radio, will help prevent radio conversations from being monitored or otherwise overheard by persons who may retaliate against and pose a danger to the complainant. Further, when an officer or supervisor has determined that additional information is required from a complainant, the officer or supervisor shall make the contact with the caller. MNPDP personnel shall not request the dispatcher to contact the complainant and relay the information. By officers or supervisors making such calls caller confidentiality will be better maintained and the direct contact should assure that MNPDP personnel get the best and most reliable information.

**D. Follow-up Responses:**

Detectives, or others, involved in the follow-up investigation of a crime, may contact the caller/complainant if required to do so to properly investigate an offense. However, personnel involved in such follow-up investigations shall take all reasonable precautions to protect the caller/complainant's identity. Such steps may include:

1. The detective might only contact the complainant by telephone.
2. The detective may telephone the caller/complainant and arrange to meet him/her at a location where caller/complainant feels safe.

The follow-up investigator might go to several different doors asking questions of several persons in the complainant's neighborhood, not just the complainant. Officers should be careful to ask relatively the same questions of each person and to spend relatively the same amount of time with the known caller/complainant as with other persons questioned. When using such a strategy, officers should not start at the complainant's door. Also, officers should not ask any party, witness or complainant if they were the person who called the police.

**18.200.120 Reporting Missing Persons, Stolen Vehicles and other "Be on the Lookout" (BOLO) information**

Officers will relay information concerning Missing Persons, Persons of Interest, and Vehicles of Interest, to the Central Records Teleserve/MSV staff. The telephone number used by officers for reporting this information is **862-8510**. However, officers equipped with mobile data computers (MDC) shall transmit such information via the MDC to Teleserve/MSV Unit according to the following procedures:

- A. After an officer has gathered all information from his/her victim at the scene of a crime, he/she will continue to provide the information to the dispatcher for rapid BOLO notification to other field units by voice radio.
- B. ECC dispatching personnel will relay the information in accordance with their policy.
- C. As soon as practical, the primary officer assigned to the call, shall relay MSV information via the MDC using the message switching program. The following method shall be used to create and forward these messages to the Teleserve/MSV Unit. Be sure the **Only If Logged On** box is checked.

- 1. Send to the following recipient, **\*G;APB**; this example type message:

Send To:	<b>D=MNPD,*G;APB</b>
Subject:	<b>HOLD-UP, 04-233444, 5252 HICKORY HOLLOW</b>
Attachments:	
Message	<b>SUSPECT #1 WAS 6'2 M/W, BLD HAIR, BRN EYES, WEARING DARK SHIRT, LIGHT COLORED SHORTS, BASEBALL HAT.</b>  <b>SUSPECT #2 WAS TALL M/B WITH LARGE AFRO AND DARK CLOTHING, WENT BY THE NAME "SLY SAM". AUTH OF CAR 312B</b>  <b>BOTH WERE LAST SEEN GETTING INTO A RED CHEV MONTE CARLO AND GOING SOUTH ON HICKORY HOLLOW PKWY TOWARD I-24.</b>
<input type="checkbox"/> Return Receipt <input checked="" type="checkbox"/> Only If Logged On	

- 2. The message will be routed to all on-duty units that have MDC's and the Teleserve/MSV Unit for NCIC and VOI/POI entry by staff. A return message from the Teleserve/MSV Unit shall be developed and sent to the original sender for verification purposes.

## **18.200.130 Radio Call Numbering System**

### **A. Issuing or Revising Call Signs**

1. The Chief of Police, or his/her designee, has sole authority to issue new or revised radio call signs. Such changes shall be communicated to the Director of the Emergency Communications Center such that ECC personnel have reasonable time to document and program the changes and train on the changes.
2. The Chief of Police, or his/her designee, shall assign numbers as he/she deems appropriate. However, if a person leaves a position and is replaced by someone of the same rank the call sign will automatically be assigned to the second person.
3. Strategic Development Division, working in concert with the Emergency Communications Center or other relevant entities shall consult on such assignments or revisions, as necessary.

### **B. Requesting Call Signs**

All persons requesting new or revised call signs shall do so in writing, with appropriate justification included, by addressing such correspondence to the Commander of the Strategic Development Division.

### **C. Maintenance of List of Call Signs**

1. The Strategic Development Division shall maintain a master list of each and every call sign on MNPD talk-groups.
2. Revised lists shall then be distributed to the Strategic Development Division, the Chief of Police, Emergency Communications Center, and Bureau Commanders.

### **D. Call Sign Designations**

#### **1. Position Identification**

The radio call numbering system is designed in such a way that every user will be immediately identifiable by rank, assignment, or outside agency affiliation.

#### **2. Structured Numbering System**

The radio call signs will be assigned as follows, with the single-digit numbers providing "base numbers" or "building blocks" for the organizational elements and personnel within the bureau.

a. The Chief of Police

- (1) Chief of Police and all bureau commanders will have one-digit numbers.
- (2) Field Supervisors will be designated 1700, 1800, and 1900.
- (3) Field supervisors will drop the first number (1) and utilize only the last 3 digit qualifiers (700, 800, and 900)

b. Generally each bureau will have numbers assigned in blocks of 1000. (i.e., Car 2-2000 series, Car 3-3000 series, etc.)

c. Every division or independent section will be assigned at least one block of 100 numbers in the same series as the rest of the bureau (i.e., 3000 series - 3100's, 3200's, 3300's, etc.)

d. Additionally, other blocks may be assigned to bureaus that run out of numbers in their series of 1000 numbers. Such blocks will be **5000, 6000, and 7000.**

e. The digit(s) at the end of the call sign shall readily identify the unit by rank:

Single Digits	Chief/Deputy Chiefs
Multiples of 100	Captains' Commanders
Last two digits of call sign:	
01-09	Lieutenants
10-80, Multiples of 10	Sergeants
11-19, 21-29, ...81-89	Officers/Investigators
90-99	Civilian Managers/Employees

f. Alpha characters at the end of a call sign will only be used to designate shift or detail.

g. The alpha character X will never be used.

3. Community Services Bureau Call Signs

a. Community Services Bureau Units



- (1) Community Services Bureau Unit identifiers will be designated by the number before the zone/division identifier. Precinct identifiers are:

- 1 - West Precinct
- 2 - East Precinct
- 3 - South Precinct
- 4 - Central Precinct
- 5 - Hermitage Precinct
- 6 - North Precinct
- 7 – Madison Precinct
- 8 – Midtown Hills

**Example:** Car 311C would be in the South Precinct's zone 11 on the C-Detail.

- (2) Patrol zones will continue to be designated by the precinct identifier for an indefinite period. Extra cars in the zone will be designated by the zone number, shift, and a number.

**Example:** There will be an extra car in zone 311 on the C-Detail. The zone car should be 311 C and the extra car would be 311C-1.

**Example:** There will be an extra sergeant in district 120 on the A detail. The district sergeant would be 120A and the extra sergeant would be 120A-1.

- (3) The shift letter (A, B, C, D, or E) is always necessary for extra cars for the entire shift. The car numbers in the examples would be spoken as "311C," "311C-1," "120A," and "120A-1."

- b. All other patrol units of a specialized nature will use a call-sign consisting of 1 digit "precinct identifier", 1 character "capability / responsibility identifier", and then a two digit "unique unit identifier" as follows:

Capability identifier:

- B - Bicycle Patrol Unit
- D - Precinct Detective Unit
- F - Flex Unit
- H - Mounted Patrol Unit
- M - Motorcycle Unit

S- School Services Unit  
T- Traffic Unit  
W - Walking Unit  
Z - Enterprise Zone & MDHA Task Force Units  
(Others to be added as needed)

In this manner, a Flex Unit would be 1F10. While on their home talk-group (West Precinct in this case) the unit would simply be F10.

- c. The members of the Community Services Bureau **only** will be allowed to omit the first, or "bureau," digit from their call signs. This will give Community Services Bureau personnel three-digit numbers instead of four (i.e., "Car 621" is allowed instead of "Car 2621"). Four digit call signs remain intact for all elements of the department except Community Services.
- d. Aviation Section personnel will use their assigned radio call signs when on the ground. When airborne, they shall use "Air 1," "Air 2," etc.
- e. Emergency Contingency Section personnel will use "Marine 1," "Marine 2," etc., when on the water.

#### 4. Outside Agencies

Outside agency personnel will not be assigned an MNPD radio call sign. Rather, such personnel will use their own agency car number with an identifier attached. Examples include:

"ME-1"  
"601-J"  
"Beer Board 100"  
"District 6"  
Medical Examiner's Office  
U.S. Justice Department  
Beer Board Enforcement Officer  
Fire Department

#### 5. Extra Car Designations

For purposes of this order, "Extra Car" is defined as "an additional unit of equal responsibility in a geographic area." This definition will cover both zone cars and district sergeants.

6. Off-Duty Call-Numbers

Any unit communicating over the radio while in an off-duty status will use their complete individual call number assigned by the department including shift designation plus the off duty identifier "9".

**Example:** The officer assigned to zone 423A will identify himself/herself as "423A9" whenever communicating on the radio and not on-duty.

Personnel such as detectives, administrative personnel or personnel not assigned a zone/district, will add the shift designation and the off-duty designator "9" to their individual call number even though that number is unique to the specific personnel.

**Example:** A detective utilizing call sign 3144A will identify himself/herself as "3144A-9" whenever communicating on the radio and not on-duty.

**18.200.140 Procedures for Obtaining Complaint Numbers – Off-Duty Employment**

A. Radio Communications:

When engaged in off-duty employment, personnel shall use the appropriate call sign to contact the Emergency Communications Center. Upon being answered, the off-duty personnel will request a complaint number be issued to their employee number. The location, nature, and other information shall be furnished.

When engaged in off-duty employment, personnel shall use the appropriate call sign to contact the Emergency Communications Center. Upon being answered, the off-duty personnel will request a complaint number be issued to their employee number. The location, nature, and other information shall be furnished.

B. Telephone Communications:

Similar to Section A above, a telephone request to the Emergency Communications Center shall be handled in the same manner.

C. Whether communicating by radio or telephone, requesting employees will advise Emergency Communications Center personnel to either leave them out on the situation pending further communication or that the assignment is complete upon receiving the complaint number.

- D. When possible and if circumstances permit, off duty personnel should communicate by telephone instead of radio in order to keep radio communication channels as free as possible. The officer telephone number to contact the Emergency Communications Center is 401-6310. This number is for officer use only, not to be given out to the public.
- E. Sworn employees who engage in employment with another Metro Government agency, department or entity are exempted from the aforementioned provisions and are to be considered as on duty during the hours they are employed by such agency, department or entity. This would apply to any employment whereby the employee is compensated by a Metropolitan Government draft (check). Any sworn officer who is working in such a capacity and needs a complaint number shall acquire the number through radio communications or via telephone using the appropriate call sign.

**18.200.150 Radio Network Access for Non-Department Users**

- A. Any use of the Metropolitan Police Department radio communications network by non-department personnel shall be approved in writing by the Chief of Police, or his/her designee. Outside users must demonstrate a clear, law enforcement related purpose for requesting access to the police department's communications network. The chief of police or his/her designee may appoint the radio system administrator to examine any compatibility issues related to the network's use. The radio system administrator would then provide a recommendation regarding the request and notify the affected bureau commander(s).
- B. Upon approval by the Chief of Police or his/her designee, he/she shall notify the appropriate personnel of Metro General Services and the Emergency Communications Center informing them of the approval so that they can inform the requesting agency of the radio equipment and programming procedures to be used. The radio system administrator shall coordinate any necessary arrangements with the Metro Government radio service.
- C. The MNPd reserves the right to designate the exact type, quantity, and model of radio that can be used on the department's radio communications network.
- D. The personnel of the Office of the Chief of Police shall maintain records of new user agreements, call signs issued, and lists of outside users.

- E. All agreements and procedures related to radio communications networks shall conform to the rules and regulations of the Federal Communications Commission.

#### **18.200.160 Automatic Resource Locators (ARL)**

The MNPDP has authorized ECC to dispatch the closest unit available, as determined by the ARL/Computer Aided Dispatch system, to calls for service with an assigned response of Code 3. The MNPDP unit will be dispatched, without regard to its zone, or precinct assignment.

##### **A. Responsibilities of MNPDP Units During Initial Response**

MNPDP units responding to a call will:

1. Respond directly to the call, after notifying his/her supervisor.
2. Switch to an alternate radio talk group if the call is outside your assigned Precinct. The alternate talk group will generally be the talk group for the Precinct in which the call is located.
3. Upon arrival, perform the duties required as determined by the nature and status of the call and in accordance with applicable MNPDP policy and procedures.

**NOTE:** If it is determined that a response of Code 3 is not needed, the officer or supervisor downgrading the call must ensure that all units responding are advised, over the air, of the downgrade. When a call is dispatched to multiple precincts, dispatch shall be notified to inform all precincts involved.

##### **B. Responsibilities of MNPDP Units After Initial Response**

1. MNPDP units responding to calls within their assigned Precinct shall take all appropriate action, or cause such action to be taken to appropriately respond to the call in accordance with MNPDP policy and procedures.
2. MNPDP units responding to calls outside their assigned Precinct shall perform all the same duties that would have been required to appropriately respond to the call if the call had originated within their assigned precinct, except under the following circumstances:
  - a. If only an incident report, or similar immediate duty requiring only a moderate investment of time, the initial responding unit

will complete the call unless they are relieved by a Precinct unit wherein the call originated.

- b. If the incident is of such a nature that a prolonged investigation will be required and the unit making the initial response is not required to remain at the scene of the incident, the initial responding unit will notify the district supervisor, complete a supplement report and turn the scene over to a Precinct unit wherein the call originated.
- c. If the incident is of such a nature that an arrest of a suspect is required and the initial responding officer is not required to be a prosecuting witness, the initial responding unit may turn over the arrestee to Precinct units to transport the arrested person and assist victims, witnesses and private prosecutors, as required. The initial responding officer shall also complete a supplement report detailing their involvement.
- d. Since all conceivable circumstances of any given call cannot be predicted, there may from time to time be questions regarding when it is appropriate for an initial responding officer to release a scene or transfer duties to a Precinct unit. When such questions arise, the supervisory chain of command for the Precinct in which the call originated shall be responsible for making a final determination as to which unit shall complete the required duties.
- e. When an initial responding unit(s) has completed his or her duties, the unit(s) shall notify the district supervisor wherein the call originated, return to their assigned radio talk group and check back into service.

## **18.210 Use of MNPDP Form EV1000, "Evacuation Notice"**

### **18.210.010 Purpose**

- A. The purpose of this order is to communicate procedures for the use of MNPDP Form EV1000, "Evacuation Notice."
- B. This form will document evacuation activities during civil disturbances, hazardous materials incidents, and other incidents which require evacuations of large numbers of citizens.

### **18.210.020 Policy**

It is the policy of the Metropolitan Police Department that all personnel adhere to the provisions herein with respect to the use of MNPDP Form EV1000.

### **18.210.030 General Provisions**

- A. The MNPDP will be participating in evacuations during certain incidents. The most efficient way to conduct evacuation activities is by properly completing an MNPDP Form EV1000 for each occupancy evacuated.
- B. MNPDP Form EV1000 is a "blaze" or "fluorescent" orange notice which comes in two segments. The upper segment is an "EVACUATED" sign, and the lower segment consists of two identical tags onto which information is written. The segments have perforations so that they may be separated as described below.

### **18.210.040 Control Provisions**

- A. Supervisors conducting evacuations will ensure that personnel under their command have an adequate supply of MNPDP Form EV1000.
- B. Personnel evacuating an address shall complete one MNPDP Form EV1000 for each occupancy (i.e., apartments A and B, etc.).
- C. Upon completing the form, the upper section will be removed from the lower sections. This upper section will then be affixed to the occupancy by removing the paper backing and attaching the "EVACUATED" sign to Side 1 (numerical side of structure) of each occupancy so evacuated.
- D. Officers will then forward the lower section (with tags 1 and 2 **still attached** together) to the supervisor.

- E. Supervisors will retain all lower sections, in numerical order for each street, at the incident command post or the perimeter check-point.
- F. When individuals inquire about the occupants of a particular address, the supervisor will note that person's name in the location provided on tags 1 and 2. This person shall then be given tag 2.
- G. The supervisor shall retain tag 1 until he/she receives instructions from an authoritative source.

**18.210.050 Availability**

MNPd Form EV1000 will be available immediately in the Supply Section.

**18.210.060 Example of MNPd Form EV1000**

The image shows a vertical orange tag with a pointed top. At the top, the word "EVACUATED" is printed vertically in large, bold, black letters. Below this, on the left, is a circular seal for the Metro Police Department. To the right of the seal, the words "METRO POLICE" are printed in bold, black letters. Below the seal and the words "METRO POLICE", the number "Nº 18693" is printed. Below this, the text "FORM NO. EV1000-3/93" and "EVACUATED TAG-1" are printed. The tag is divided into two sections by a horizontal line. The top section is for "EVACUATED TAG-1" and the bottom section is for "EVACUATED TAG-2". Each section contains the following fields: NAME, ADDRESS, NUMBER OF PERSONS EVACUATED, CAR NO., DATE, TIME, EVAC. LOC., and INFO. GIVEN TO. The number "Nº 18693" is printed next to the ADDRESS field in both sections.